

# **EXHIBIT “A”**

Page 1

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2                   UNITED STATES DISTRICT COURT  
3                   EASTERN DISTRICT OF NEW YORK

4     GREGORY BROOKS,                         )  
5                         )  
6     Plaintiff,                                 )  
7                         )  
8     vs.   ) Case No. 17-3626  
9                         )  
10    THE DOE FUND, INC., TERRY                 )  
11    COOPER individually and in his )  
12    official capacity, JAMES                 )  
13    WASHINGTON individually and in )  
14    his official capacity, and                 )  
15    ANTHONY WIGGINS individually             )  
16    and in his official capacity,                 )  
17    Defendants.                                 )  
-----)

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24                   CONFIDENTIAL DEPOSITION OF GREGORY BROOKS

25                   New York, New York

26                   Thursday, June 7, 2018

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29                   Reported by: MICHELLE COX

30                   Job No: 142124

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5 June 7, 2018

6 10:13 p.m.

7

8 Confidential Deposition of GREGORY BROOKS,  
9 held at the offices of Jackson Lewis LLP, 666  
10 Third Avenue, New York, New York, pursuant to  
11 Notice, before Michelle Cox, a Certified  
12 LiveNote Reporter and Notary Public of the  
13 State of New York and New Jersey.

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2 APPPEARANCES:

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4 DEREK SMITH LAW GROUP

5 Attorneys for Plaintiff

6 1 Pennsylvania Plaza

7 New York, NY 10119

8 BY: KELLY O'CONNELL, ESQ.

9

10 JACKSON LEWIS

11 Attorneys for The Doe Fund and

12 James Washington

13 666 Third Avenue

14 New York, NY 10017

15 BY: STEVEN SEIDENFELD, ESQ.

16 LORI BAUER, ESQ.

17

18 LEWIS BRISBOIS

19 Attorneys for Terry Cooper

20 77 Water Street

21 New York, NY 10005

22 BY: BRADLEY BARTOLOMEO, ESQ.

23

24 ALSO PRESENT: Eunice Gilmore

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2 IT IS HEREBY STIPULATED AND AGREED by and  
3 between the attorneys for the respective  
4 parties herein, that filing and sealing be and  
5 the same are hereby waived.

6 IT IS FURTHER STIPULATED AND AGREED that  
7 all objections, except as to the form of the  
8 question, shall be reserved to the time of the  
9 trial.

10 IT IS FURTHER STIPULATED AND AGREED that  
11 the within deposition may be sworn to and  
12 signed before any officer authorized to  
13 administer an oath, with the same force and  
14 effect as if signed and sworn to before the  
15 Court.

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2 G R E G O R Y B R O O K S , called as a witness,  
3 having been duly sworn by a Notary Public, was  
4 examined and testified as follows:

5 EXAMINATION BY

6 MR. SEIDENFELD:

7 Q Good morning, Mr. Brooks. I introduced  
8 myself to you before, but let me do so on the  
9 record.

10 My name is Steven Seidenfeld, and I'm here  
11 with Lori Bauer, and we're from the law firm of  
12 Jackson Lewis, and we represent the defendant,  
13 The Doe Fund, and defendant, James Washington,  
14 in the lawsuit that you have filed against them  
15 in the Eastern District of New York.

16 Also sitting with me is Eunice Gilmore,  
17 who is the director of human resources for The  
18 Doe Fund, and Brad Bartolomeo, who represents  
19 defendant, Terry Cooper.

20 Have you ever had your deposition taken  
21 before --

22 A No.

23 Q Okay. So the purpose of taking a  
24 deposition today is for me to ask you some  
25 questions to find out more about the lawsuit

1                   Brooks - Confidential

2       you're bringing. Along those things I'll be  
3       asking you a series of questions.

4       So a deposition is a little unlike the  
5       regular conversation, in that we have our court  
6       reporter, Michelle, taking down everything that  
7       I ask and that you answer.

8       So just go over a few ground rules to make  
9       sure we have a clear record.

10      Does that make sense?

11     A     Yes.

12    Q     So the first difference is that in a  
13       regular conversation I might start asking a  
14       question, and by the time I'm two-thirds of way  
15       through it, you'll know the answer and you'll  
16       jump in and you'll answer.

17      If you do that here today, the court  
18       reporter won't be able to take down both my  
19       full question and your answer.

20      So I ask that when I'm asking you a  
21       question you let me finish. And if I interrupt  
22       you please let me know and I'll let you finish.

23      Do you understand?

24     A     I do.

25    Q     The other difference between a deposition

1                   Brooks - Confidential

2       and a regular conversation is that in regular  
3       conversation, when I ask you a question, you  
4       might respond by either shaking your head or  
5       nodding your head or saying uh-huh or uh-uh.

6       If you do that today, the court reporter won't  
7       be able to take that down.

8                   So I ask that in response to my questions  
9       that you try and make sure your answers are  
10      audible and that you either say "yes" or "no."  
11      And if you forget, we'll make sure to remind  
12      you. You won't be the first.

13                  I want to make sure that you understand  
14      the questions I ask.

15                  So if there's something I've asked you and  
16      you don't understand, please let me know.

17                  Do you understand?

18   A    I understand.

19   Q    If I ask a question and you answer, I'm  
20      going to assume that you heard my question,  
21      understood it and gave your best answer.

22                  Do you understand?

23   A    I do.

24   Q    If a question calls for a yes-or-no  
25      answer, I'd like for you answer "yes" or

1                   Brooks - Confidential

2    "no." If you feel that there's something  
3    additional that you'd like to explain, just let  
4    me know and we can do that.

5                   Does that make sense?

6    A    Yes.

7    Q    Breaks.

8                   This isn't an endurance test. If at any  
9    time today you need to take a break, just let  
10   us know -- the only -- and you can take one.

11                  The exception is if there's a question  
12   pending, I'll ask that you answer the question  
13   first and then we can take a break.

14                  Do you understand?

15   A    Yes.

16   Q    Objections.

17                  At times your attorney, Ms. O'Connell, may  
18   object. For the most part this is just for the  
19   record and after she objects, you can go ahead  
20   and answer my questions, unless she directs you  
21   not to answer, which will be rare in a  
22   deposition like this.

23                  Do you understand?

24   A    Yes.

25   Q    Do you understand the oath that you took

1                   Brooks - Confidential

2   is the same as if you were in court?

3   A   Yes.

4   Q   And you understand that you have to tell  
5   to the truth?

6   A   Yes.

7   Q   Even if you think it will hurt your case?

8   A   Yes.

9   Q   And you understand that there are  
10   consequences associated with not telling the  
11   truth when you're under oath?

12   A   Yes.

13   Q   Is there anything today prohibiting you  
14   from giving responsive answers to my questions?

15   A   No.

16   Q   Are you taking any medications or drugs  
17   that are preventing you from giving responsive  
18   answers?

19   A   I take medication, but it shouldn't stop  
20   me from giving you answers.

21   Q   Okay. The medication doesn't affect your  
22   memory?

23   A   No.

24   Q   You had a good night sleep last night?

25   A   Not really.

1                   Brooks - Confidential

2 have filed divorce proceedings?

3 A       No.

4 Q       Prior to living in the Bronx at your  
5 wife's apartment, where did you live before  
6 that?

7 A       I stayed in a three-quarter house.

8 Q       Okay. Where was that?

9 A       In Brooklyn.

10 Q       And do you know what the dates were?

11 A       I only stayed there for a few days.

12 Q       Okay. And before that?

13 A       I was in prison.

14 Q       And where was that?

15 A       The prison that I left?

16 Q       Yes.

17 A       Queensboro.

18 Q       And how long were you there for?

19 A       About a month.

20 Q       And that would have been in the early  
21 spring of 2016?

22 A       It's possible.

23 Q       Okay. And before that where were you?

24 A       I was in Franklin Correctional Facility.

25 Q       And do you know where that is?

1                   Brooks - Confidential

2       you were in Rikers Island, 1997, had you ever  
3       been in prison or jail before?

4   A    Yes.

5   Q    When was that?

6   A    2005.

7   Q    So I think I asked you -- that was -- 2005  
8       would have been covered in the period of what  
9       we said between --

10   A    I mean 1995.

11   Q    All right. 1995.

12                  And what prison were you in then, or was  
13       it a jail?

14   A    I was in Rikers Island.

15   Q    And for how long?

16   A    Two years, a little over two years.

17   Q    And before that were you ever in prison or  
18       jail?

19   A    Before that I was home.

20   Q    And you said -- home was in the Bronx or  
21       was it with your friend in Manhattan?

22   A    No, I was with my family.

23   Q    And where was that?

24   A    112th Street and Lexington Avenue.

25   Q    Any other time you spent in a prison, jail

1                   Brooks - Confidential

2   Q    Yes.

3   A    6th grade.

4   Q    Do you have a GED?

5   A    No.

6   Q    Are you working towards one?

7   A    I would like to get one.

8   Q    Can you read and write?

9   A    Yes.

10   Q    I'm just going to go back and hopefully we  
11   can do this a little more quickly in your  
12   history. I just want to ask you about your  
13   conviction history.

14                 So starting with the most recent, when was  
15   the last time you were convicted of a crime?

16   A    2012, 2013.

17   Q    I'm sorry, did I ask you for the most  
18   recent?

19   A    Yes.

20   Q    The most recent, I'm sorry, you said was?

21   A    2012, 2013.

22   Q    And what were you charged with?

23   A    Possession of a weapon.

24   Q    And were you convicted?

25   A    I was.

1                   Brooks - Confidential

2   Q    You plead guilty?

3   A    I did.

4   Q    How much time -- what was your sentence  
5   of?

6   A    Four years.

7   Q    Did you serve all four years?

8   A    Five years post supervision.

9   Q    When you say "five years post  
10   supervision," what do you mean?

11   A    It's like parole.

12   Q    So four years you were you in prison or  
13   jail and then another year on parole?

14   A    Five years on parole.

15   Q    I'm sorry.

16                 So you were in prison for four years, and  
17   then parole for five?

18   A    Yeah.

19   Q    So you're still currently on parole today?

20   A    Yes.

21   Q    Okay. What was the -- before that, when  
22   was the last time you were convicted of a  
23   crime?

24                 Actually -- strike that.

25                 And that was what we spoke about before

1                   Brooks - Confidential

2       when you were in Queensboro and Franklin and  
3       Rikers Island?

4       A      Yeah.

5       Q      And before the conviction for possession  
6       of a weapon, what was the next -- what was the  
7       next most recent crime you were convicted of?

8       A      Drugs. Drug crime.

9       Q      What was it?

10      A      Directing a sale.

11      Q      Do you know when that was?

12      A      1998.

13      Q      Okay. And were you convicted?

14      A      Yes.

15      Q      Did you plead guilty?

16      A      I did.

17      Q      So no trial?

18      A      No.

19      Q      Okay. How long were you sentenced for?

20      A      Four and a half to nine years.

21      Q      How long did you serve?

22      A      Six.

23      Q      And that was before, when we discussed you  
24       were in Gowanda or Attica, Upstate Correctional  
25       Facility, Clinton, Sing Sing and Rikers?

1                   Brooks - Confidential

2   A    Yes.

3   Q    Prior to that, what was the next most  
4   recent crime you were convicted of?

5   A    Gun possession.

6   Q    And when was that?

7   A    In 1997.

8   Q    And you pled guilty?

9   A    I did.

10   Q    How much time, what was your sentence?

11   A    One year.

12   Q    And did you serve the full year?

13   A    No.

14   Q    How long did you serve?

15   A    Six, seven months, something like that.

16   Q    And that was at Rikers?

17   A    Yes.

18   Q    And before that, when was the next most  
19   recent conviction?

20   A    I wasn't convicted of nothing else.

21   Q    Was that when you were in Rikers around  
22   1995?

23         Strike that.

24         Were you charged with something?

25         Actually, strike that.

1                   Brooks - Confidential

2                   So before 1997, had you been convicted of  
3                   any other crimes?

4   A    Before 1997, was I convicted of anything,  
5                   yes. As a child I was convicted of gun  
6                   possession.

7   Q    And that was when you were 14?

8   A    Yeah.

9   Q    Any other times that we haven't discussed  
10                  when you were arrested, other than what we've  
11                  discussed, have there been times when you were  
12                  arrested but not convicted of a crime?

13   A    Yeah, when I was on Rikers Island. That's  
14                  the only time.

15   Q    I'm sorry?

16   A    When I was on Rikers Island, that's the  
17                  only time.

18   Q    That was the first time you were on Rikers  
19                  Island?

20   A    Yes.

21   Q    Around -- and you believe -- you said  
22                  around 995?

23   A    Yes.

24   Q    And what were you charged with?

25   A    Homicide.

1 Brooks - Confidential

2 Q And was there a trial?

3 A Yes.

4 Q And what was the result of the trial?

5 A I was innocent.

6 Q Okay. Do you know what the specific  
7 charge was?

8           A     Murder in the second degree.

9 Q Tell us what you were alleged of doing?

10 A No.

## 11 Q Why not?

12 A I'm not talking about that.

13 Q I know this is not a pleasant topic, but  
14 we're entitled to ask questions about your  
15 background, especially given your demands in  
16 this case for emotional distress damages. We  
17 need to know about your background and your  
18 past. I apologize if it's uncomfortable, but  
19 we really need you to answer.

20 A Repeat the question.

21 MR. SEIDENFELD: Can you repeat my  
22 question before.

23 (Record read.)

24 BY MR. SEIDENFELD:

25 Q Okay. I'll ask my question again.

1                   Brooks - Confidential

2                   What were you accused of doing when you  
3                   were charged with second degree murder?

4   A    I was accused of killing somebody.

5   Q    And who was that?

6   A    I don't know.

7   Q    What were -- did you ever find out the  
8                   person who you were accused of killing?

9   A    I don't remember his name.

10   Q    Was it someone -- someone you never knew?

11   A    Yeah, I didn't know him.

12   Q    Okay. How did you come to be arrested for  
13                   the murder?

14   A    The police came to my house and picked me  
15                   up.

16   Q    What did they say to you?

17   A    That I was under arrest.

18   Q    Did they tell you why?

19   A    No. They waited until they got me into  
20                   the precinct.

21   Q    At some point did somebody tell you you  
22                   were under arrested?

23   A    Yes.

24   Q    What did they tell you?

25   A    I was under arrest in connection with the

1                   Brooks - Confidential

2   murder of some person, the guy. I don't  
3   remember his name.

4   Q    You had a trial, right?

5   A    I did.

6   Q    Okay. And at the trial, did the  
7   prosecution lay out why they believed you had  
8   committed the crime?

9   A    Yes.

10   Q    What did they say?

11   A    They said they had witnesses saying that I  
12   did it.

13   Q    Where did they say -- where did they  
14   accuse you of doing this?

15   A    What?

16   Q    Where did the prosecutor say -- where did  
17   the prosecutors alleged that you committed this  
18   crime, the location of the murder?

19   A    I don't remember.

20   Q    Was it in Manhattan?

21   A    Yeah, it was in Manhattan.

22   Q    Upper Manhattan?

23   A    In Manhattan. I don't remember the exact  
24   location.

25   Q    Okay. Do you remember who the witnesses

1                   Brooks - Confidential

2        were?

3    A      Not by name.

4    Q      Where they people that you knew?

5    A      Yes.

6    Q      Okay. How did you know them?

7    A      Seeing them in the neighborhood.

8    Q      Okay. And did they testify at trial?

9    A      They did.

10   Q     Okay. And they -- do you know what they  
11   testified?

12   A     From what I remember, they said they seen  
13   me in the proximity of where they were, but  
14   none of them actually said I did it.

15   Q     Okay. And were you -- what was -- strike  
16   that.

17                  Were you acquitted, or did the trial  
18   result in a hung jury?

19   A     I was acquitted.

20   Q     And so the two years that you were in  
21   Rikers, was while you were on trial for that  
22   case?

23   A     Yes.

24   Q     In around 1995?

25   A     Yes.

1                   Brooks - Confidential

2                   Any other incidents where you were  
3                   physically assaulted in Rikers Island when you  
4                   were there in 9995?

5   A    I was cut on two separate occasions. And  
6   I got into a lot of fights there.

7   Q    Did you ever receive any discipline for  
8   any of the fights?

9   A    What do you mean, "discipline"?

10   Q    Did you lose any privileges?

11   A    Yes.

12   Q    What happened? When?

13                  What privileges did you lose?

14   A    All of them.

15   Q    Were you sent -- what do you mean by "all  
16   of them"?

17   A    I was sent to punitive segregation, the  
18   box.

19   Q    Solitary confinement?

20   A    Yes.

21   Q    For how long?

22   A    I don't know. I was there for a long  
23   time.

24   Q    More than a year?

25   A    Yeah.

1                   Brooks - Confidential

2   Q    So more than half of the two years that  
3       you were there in 1995?

4   A    A spent a lot of that time in a pin, yeah.

5   Q    Any other -- strike that.

6                   In 1997 when you were in Rikers Island,  
7       were you ever physically assaulted?

8   A    I got into fights there, too.

9   Q    Okay. What were the circumstances of the  
10      fights?

11   A    It was gang related.

12   Q    Were you in a gang when you were in Rikers  
13      Island?

14   A    Yes, I was.

15   Q    What gang were you in?

16   A    I was a Blood.

17   Q    And did you join when you were in Rikers,  
18      or you previously had been a member?

19   A    No, when I was in Rikers Island.

20   Q    And did you join that second time in 1997?

21   A    There's no joining twice.

22   Q    So the first time in 1995 you had joined?

23   A    Yes.

24   Q    Okay. And were the fights that you were  
25      involved in 1995, were they gang related, too?

1                   Brooks - Confidential

2   A    Some of them.

3   Q    Okay. What ones -- can you tell me about  
4   the fights that weren't gang related?

5   A    The fight where I got cut wasn't gang  
6   related.

7   Q    What was the dispute over?

8   A    I told you that.

9   Q    Okay. The one we just spoke about  
10   earlier?

11   A    Yes.

12   Q    Okay. Any other fights in 1995 that  
13   weren't gang related?

14   A    Yeah, things like fighting over the  
15   telephone and stuff like that.

16   Q    But those weren't -- it was the fight that  
17   we discussed earlier that led to you being sent  
18   to solitary confinement where you were cut?

19   A    The fight that sent me to solitary  
20   confinement -- the first time, I was in  
21   solitary confinement when I got cut.

22   Q    Okay. So what was the fight that led you  
23   to be assigned to solitary?

24   A    It was a fight in the house, in the  
25   housing unit.

1                   Brooks - Confidential

2   Q     What was it about?

3   A     A new guy had come in, and it was an issue  
4       over whether he would do, like -- because we  
5       all had to, like, clean the house. And I was  
6       informed that he said that he was not going to  
7       clean like the rest of us. And so dudes  
8       approached him and they started fighting with  
9       him.

10                  And then -- he was a really huge guy. So  
11       people were running from him. And he came  
12       directly to me. And I didn't run. We fought  
13       until the police came.

14   Q     When you say "house," you're just  
15       referring to the section of the -- of Rikers  
16       where you were located?

17   A     Yeah.

18   Q     So between 1995 and 1997, you were back in  
19       New York City?

20                  After you were released from Rikers, after  
21       you were acquitted and before you were arrested  
22       again in 1997 --

23   A     Yeah.

24   Q     -- ever sexually assaulted then?

25   A     No.

1                   Brooks - Confidential

2   Q    Ever physically assaulted during that  
3   period?

4   A    No.

5   Q    Okay. When you were released from Rikers  
6   in 1997, where did you go when you were  
7   released?

8   A    Went to my friend's house.

9   Q    Okay. And in New York City?

10   A    Yes.

11   Q    Before you went to -- were you arrested,  
12   again, before you went to Arizona?

13   A    Before I went to Arizona, that was the  
14   drug arrest.

15   Q    That was the 1997 arrest?

16   A    1998.

17   Q    Okay. So you were released in 1998?

18   A    No.

19   Q    I'm sorry, which --

20   A    That's when it happened.

21   Q    Okay, the drug arrest was in 1998?

22   A    Yeah.

23   Q    And that's when you went -- that's when  
24   you were in Rikers, in Sing Sing, in Clinton,  
25   in Upstate Correctional Facility, in Attica and

1                   Brooks - Confidential

2   A    Mm-hmm.  Yes.

3   Q    I'm sorry?

4   A    I said yes.

5   Q    And then from about 1998 to, you said  
6   about 2004, you were in a variety of different  
7   correctional facilities; first in Rikers and  
8   then at several facilities in Upstate New York?

9   A    Yes.

10   Q    Okay.  Were you ever physically -- so I'm  
11   going to ask you questions about all of these  
12   facilities in one, so we can just go through  
13   each question once.

14               If you can tell me the answers are yes, if  
15   you can tell me which facility you were in,  
16   then we can hopefully move this along a little  
17   faster.

18               Okay?

19   A    Okay.

20   Q    So from the period of 1998 to 2004 when  
21   you were in the different correctional  
22   facilities that we listed, were you ever  
23   physically assaulted?

24   A    Yes, I got into fights.

25   Q    How -- in which facilities?

1 Brooks - Confidential

2 A Clinton.

3 Q What happened in Clinton?

4 A There was a riot.

5 Q What was your involvement?

6 A What was my involvement?

7 Well, I was gang banging at the time.

8 Q So -- with the Bloods?

9 A Yeah.

10 Q And what did you -- what started the riot?

11 A Well, two things started it. It was the  
12 night before a Blood had got cut. And when I  
13 was on my way to the yard, I was assaulted by  
14 another guy. So when we got into the yard, you  
15 know, it just erupted.

16 Q When you say "assaulted," what did he do  
17 to you?

18 A He punched me in the face.

19 Q Did you fight back?

20 A No. Not at that point I didn't.

21 Q You fight back at a subsequent point?

22 A When we got in the yard, yeah.

23 Q And what did you do?

24 A I hit him upside the head with a weight  
25 bar.

1                   Brooks - Confidential

2   Q    Were there any repercussions?

3   A    It was a big fight in the yard.

4   Q    Any repercussions for you individually?

5   A    It was a riot. So everybody was fighting.

6   I was getting hit, people was getting hit.

7   Q    Sure.

8                   After the fact --

9   A    It wasn't an organized fight.

10   Q    I wasn't asking about -- I was asking  
11       after the fact.

12                  You know, before you had mentioned you  
13       were in a fight in Rikers and you had been sent  
14       to solitary.

15                  So I'm asking after --

16   A    Oh, oh, oh, oh. I think I understand  
17       better.

18                  Was there administrative repercussions  
19       because of --

20   Q    Yes.

21   A    Yes.

22   Q    And what were they?

23   A    Five years in the box.

24   Q    And was that all some -- "in the box," you  
25       mean in solitary?

1 Brooks - Confidential

2 A Yes.

3 Q And was that all at Clinton?

4 A Yeah.

5 Q Do you remember what year that was,  
6 approximately?

7 A Maybe '9 --

8 Q Sorry?

9 A '98, '99.

10 Q So shortly after you were convicted in  
11 1998?

12 A Mm-hmm.

13 Q Okay. Any -- while you were in the  
14 various Upstate facilities that we discussed,  
15 and also in Rikers Island during this period,  
16 were you ever sexually assaulted?

17 A No.

18 Q Did you ever sexually assault anyone?

19 A No.

20 Q Were you ever touched in a sexual manner  
21 without your consent?

22 A No.

23 Q Okay. After you were release from  
24 solitary confinement and from Clinton, did you  
25 go to a different facility?

1 Brooks - Confidential

2 A Yes.

3 Q That was Upstate Correctional?

4 A Yes, it was still punitive segregation.

5 Q Is that the same -- so solitary  
6 confinement?

7 A Yes.

8 Q Did there ever come a point during this  
9 time in prison, in jail when you were out of,  
10 you said, punitive segregation; was there ever  
11 a point?

12 A Yes, when I went to Attica.

13 Q You were back in the general population?

14 A Yeah.

15 Q Were you ever in any fights at Attica?

16 A None.

17 Q Ever physically assault anyone in Attica?

18 A No.

19 Q Anyone ever physically assault you?

20 A No.

21 Q Ever sexually assaulted in Attica?

22 A No.

23 Q What about -- had somebody touched you in  
24 a sexual manner without your consent?

25 A No.

1                   Brooks - Confidential

2   it now. It's as needed when I can't rest.

3   Q    Okay. So it's not on a regular -- so now  
4   it's not on a regular basis?

5   A    No, it's just when I need it.

6   Q    So when do you need it, to rest?

7   A    Yeah.

8   Q    In 2017 it was the same thing, you just  
9   took it when you needed it to rest?

10   A    Yeah. When I couldn't rest, yeah.

11   Q    And what about in 2011-2012, then were you  
12   taking it regularly?

13   A    Yeah, I was taking it regularly. Sometime  
14   I miss it. Sometimes I would miss.

15   Q    That was up until the point when you  
16   stopped taking it, when you were in Franklin?

17   A    Yeah.

18   Q    Okay. I'm going to ask you some questions  
19   about your time as a participant in the Ready,  
20   Willing & Able program.

21                  Do you know when you first arrived at the  
22   Ready, Willing & Able program?

23   A    The actual date, no. I'm not good with  
24   dates.

25   Q    Does end of June 2016 sound right to you?

1 Brooks - Confidential

2 A June 2016?

3 Yeah, I guess.

4 Q And why did you go to The Doe Fund to join  
5 the Ready, Willing & Able program?

6 A While I was on parole, somebody came, and  
7 I guess a recruiter of sorts, came in and he  
8 said that they give you work and housing --  
9 and -- immediate work. They put you to work  
10 immediately and they give you housing. And  
11 that's exactly what I needed, so . . .

12 Q And did they give you counseling?

13 A Counseling?

14 Q Counseling?

15 A Like mental health counseling?

16 Q Like you had -- did you work with a  
17 caseworker?

18 A Yeah.

19 Q Okay. And they gave you -- in part, it  
20 was to give you training to reenter the  
21 workforce?

22 A They had training programs. They had a  
23 work -- we went on routes every day, as far as  
24 work was concerned. But they also had training  
25 for other programs. And I believe I signed up

1                   Brooks - Confidential

2       for pest control.

3   Q    Okay. And the purpose of -- another  
4       purpose of being in the Ready, Willing & Able  
5       program was to help you find work at an outside  
6       employer that was outside of The Doe Fund?

7   A    My understanding was, the idea was for  
8       stable -- what was the term?

9                   I think it was "independent living,"  
10      meaning consistent work and housing.

11     Q    Very shortly after you joined the Ready,  
12      Willing & Able program you started working for  
13      4C Foods?

14    A    Yes.

15    Q    What did you do at 4C?

16    A    I was a forklift operator.

17                   (Deposition Exhibit 2, Document  
18      Bates-stamped TDF 00001 through TDF00004,  
19      marked for identification as of this date.)

20     Q    Mr. Brooks, I'm going to hand you what's  
21      been marked as Plaintiff's Exhibit No. 2, which  
22      is Bates-stamped TDF0001 through TDF0004.

23                   Mr. Brooks, is this the terms -- is this  
24      the sheet documenting the terms of  
25      participation that were part of you joining the

1 Brooks - Confidential

2 Ready, Willing & Able program?

3 A Yes, I believe so.

4 Q Okay. And take a look at the last page of  
5 the document.

6 You see where it says "Participant's  
7 Signature"?

8 A Mm-hmm.

9 Q That's your signature?

10 A Yes.

11 Q And see the date is 6/28/16?

12 A Yes, I see that.

13 Q And that's about the date you joined the  
14 Ready, Willing & Able program?

15 A Mm-hmm.

16 Q Go back to the first page.

17 You see in the second paragraph it says "I  
18 understand and agree that, as a participant  
19 ("trainee) in RWA, I must follow all the  
20 program rules, regulations and guidelines as  
21 set forth in this statement in my independent  
22 living plan, which I will develop with my case  
23 manager."

24 And this independent living plan is what  
25 you referenced before?

1                   Brooks - Confidential

2   A   Yes.

3   Q   And you were assigned a case manager?

4   A   Yes.

5   Q   And do you know who that was?

6   A   Dash Porter.

7   Q   Dash Porter is a male?

8   A   Yeah.

9   Q   You know Dash Porter's race?

10   A   No.

11   Q   Is Dash Porter African-American?

12   A   Could be. Could be mixed with something  
13   or something else.

14                  But does he have brown skin, yes.

15   Q   And if you'll look a couple of lines down,  
16   the third line from the bottom, you see where  
17   it says "I understand and agree that my failure  
18   or refusal to follow these Terms of  
19   Participation and/or my ILP may result in  
20   discharge from RWA and a possible transfer to  
21   another DHS facility."

22                  Do you see that?

23   A   Third line from the bottom?

24   Q   Here.

25   A   This one?

1 Brooks - Confidential

2 Q See where I'm reading from?

3 A Yes.

4 Q You understand this document was outlining  
5 the terms and conditions of you participating  
6 in the RWA program?

7 A Yeah.

8 Q Okay. And do you see below where it says  
9 "A. Program Rules"?

10 A "A. Program Rules"?

11 Q Yes.

12 Those were all the rules you were expected  
13 to follow as --

14 A Oh, "A. Program Rules." I see it.

15 Q -- in order to stay in the program?

16 A Yeah, I see it.

17 Q And things like if you just look at number  
18 seven, for example, "Curfew is 10:00 p.m.,  
19 unless a late/overnight pass has been  
20 approved," that was one of the rules of the  
21 program?

22 A Curfew is at 10:00 p.m. or earlier, if  
23 required by a trainee's parole officer.

24 Q That was one of the rules, just like all  
25 these others rules listed here.

1                   Brooks - Confidential

2                   You were told you had to follow them in  
3                   order to stay in the program?

4   A    Yes.

5   Q    Did you read this at the time when it was  
6               given to you?

7   A    Yeah, I skimmed through it.

8   Q    Okay.

9   A    But I had my counselor there with me to  
10          point out things that were important.

11   Q    Your counselor --

12   A    Dash Porter.

13   Q    Do you remember what Dash Porter pointed  
14          out to you?

15   A    No.

16   Q    Okay. So you don't remember, what, if  
17          anything, was pointed out?

18                No?

19                You have to answer the question?

20   A    No, I don't recall.

21   Q    Take a look at Page TDF0003, the third  
22          page of the document. Let me just ask you.

23          You mentioned that you skimmed or read the  
24          document.

25          You don't have any trouble reading or

1                   Brooks - Confidential

2       in The Doe Fund's Gates Avenue Facility --

3   A    Yes.

4   Q    Just let me finish.

5                   -- while you were working for 4C Foods --

6       and the court reporter can read that back to

7       you if you need to hear the whole question.

8                   MR. SEIDENFELD: Maybe let's read it back

9       to him.

10                  (Record read.)

11   Q    Mr. Brooks, I just want to make sure we're

12       clear.

13                  You said that you stopped dealing with The  
14       Doe Fund when you started working for 4C Foods.

15                  But my question, and I'm a little confused  
16       by that, because it's my understanding while  
17       you were working for 4C Foods, that you still  
18       lived in The Doe Fund Gates Avenue Facility; is  
19       that correct?

20   A    That is correct. I was only on DHS  
21       shelter status, at that point. That's what  
22       they told me.

23                  Once I got a job, I was no longer a Doe  
24       Fund participant. And so one of the things  
25       they offered to me was no longer available to

1                   Brooks - Confidential

2       me. So I was just "shelter status." That's  
3       what they called it.

4       Q        You said you weren't -- so did you not  
5       meet with your caseworker after you started  
6       working for 4C?

7       A        Yes, I did. I had to meet with -- that's  
8       what I said. I had to meet with my caseworker  
9       to prove that I was trying to find my housing  
10      and to give updates and turn in my pay stubs.

11      Q        And caseworker, Mr. Porter, even while you  
12      were working at 4C was still -- was helping you  
13      with this processes or guiding -- at least  
14      guiding you through them?

15      A        No. I was pretty much doing things on my  
16      own. They would come to me with certain  
17      offers, and some of them I would look into.

18                  But by that time it wasn't -- it wasn't  
19      Mr. Porter, because they switched my case  
20      manager, eventually.

21      Q        Okay. Who did they switch your case  
22      manager to?

23      A        His name was Young. O'Neil Young. I  
24      believe that was his name.

25      Q        Do you know what Mr. O'Neil's race was?

1                   Brooks - Confidential

2                   Mr. Porter, a couple of times he told me  
3                   about a couple of different sites that I could  
4                   sign up to, but I don't recall if it was before  
5                   or after I stopped working with The Doe Fund.

6                   Mr. O'Neil gave me a couple of leads on  
7                   apartments. But I conveyed to Mr. O'Neil that  
8                   I had already obtained an apartment, and I was  
9                   waiting for the construction to be done with it  
10                  before I was able to move in.

11                  Q        Okay. So while you were still living at  
12                  Gates Avenue, you had obtained subsequent  
13                  housing?

14                  A        Yes, I did.

15                  Q        And that's the 630 Howard Avenue address?

16                  A        Yes, it is.

17                  Q        That's where you went to live after you  
18                  left Gates Avenue?

19                  A        Yes.

20                  Q        I just want to -- one more follow-up  
21                  question.

22                  So after you started working for 4C, did  
23                  you ever receive any compensation in any form  
24                  from The Doe Fund?

25                  A        I don't know, because I stopped using that

1                   Brooks - Confidential

2   Q    And Mr. Matthews is Timothy Matthews, who  
3   we discussed before.

4                   Do you know if Mr. Cooper reported to  
5   Craig Trotta?

6   A    Who?

7   Q    Craig Trotta?

8   A    I don't know who that is.

9   Q    Did you ever see a Craig Trotta when you  
10   were at the Gates Avenue facility?

11   A    I don't know who you're talking about.

12   Q    You know that Mr. Cooper was a homosexual  
13   when you met him?

14   A    Yes. From comments that he was making,  
15   yes.

16   Q    What comments?

17   A    He was making a lot of sexual comments.

18   Q    When?

19                  When was this?

20   A    Since the day I walked in the door I  
21   observed him making sexual comments with other  
22   people.

23   Q    So on the first day what comments did you  
24   observe him making?

25   A    I don't remember exactly what he said, but

1                   Brooks - Confidential

2     I remember it being a sexual comment.

3     Q     Do you remember who he was making them to?

4     A     No. I didn't know nobody that was in the  
5     building. I knew that Mr. Washington was  
6     there, though.

7     Q     You said Mr. Washington observed  
8     Mr. Cooper making, what types of comments?

9     A     It was something sexual. I don't remember  
10    exactly what he said.

11    Q     Was it something that just indicated that  
12    he was homosexual, or was it something -- was  
13    he talking about -- I'm sorry.

14                  Was it comments -- was he talking about a  
15    significant other or a boyfriend?

16    A     He was talking to somebody that was there.

17    Q     Were they comments that were -- you found  
18    inappropriate?

19    A     Yeah. I found it kind of strange for him  
20    to be making those type of comments in there.

21    Q     When you say "those types of comments,"  
22    I'm just trying to understand what you mean?

23    A     Flirting. Flirtatious comments he was  
24    making with the other guys there.

25    Q     Other Ready, Willing & Able participants?

1                   Brooks - Confidential

2 sitting, waiting.

3 Q You don't remember to who?

4 A No.

5 Q You don't remember the comment?

6 A I don't remember exactly what he said, no.

7 Q And did you report this to anyone?

8 A No.

9 Q Why not?

10 A Because it wasn't none of my business. He  
11 didn't say it to me.

12 Q So it didn't upset you?

13 A I didn't feel comfortable with it. I made  
14 a point that I would be as brief as possible  
15 with him, because I could see that he was loose  
16 like that, so . . .

17 Q You're referring to Mr. Cooper?

18 A Yes.

19 Q When you say he was "loose like that,"  
20 what did you mean?

21 A He was loose with his sexual jokes and  
22 comments.

23 Q And you didn't report that to anyone?

24 A No.

25 Q You said you made it a point to stay away

1                   Brooks - Confidential

2       from Mr. Cooper?

3       A      I made it a point to interact with him as  
4       little as possible.

5       Q      Okay. And just to go back to the comment  
6       that you said you observed on the first day,  
7       you can't remember the comment, correct?

8       A      No.

9       Q      You can't remember who made the comment,  
10      correct?

11      A      It was Mr. Cooper.

12      Q      You don't remember who he made the comment  
13      to?

14      A      No.

15      Q      Initially, you wanted to go speak with  
16      Mr. Cooper about being assigned to the Hudson  
17      route?

18      A      I think -- I believe I spoke to  
19      Dash Porter about that.

20      Q      Did you also speak to Mr. Cooper about it,  
21      at some point?

22      A      I remember speaking to him when I wanted  
23      to get taken off that route. But it's possible  
24      I did ask him about the route, too. I don't  
25      remember, though.

1                   Brooks - Confidential

2   on -- are you there?

3                   It's on Page 4, at the bottom of the page.

4                   It says (As read): "On or around  
5   July 6th, plaintiff told defendant Cooper, 'Hey  
6   Terry, I want to pull you up later to find out  
7   about that Hudson Route'."

8   A   That's right, yes.

9   Q   Does that refresh your recollection about  
10   whether you initiated --

11   A   I --

12   Q   I'm sorry. I know you know -- like I  
13   said, I know you know where I'm going. You  
14   just have to let me finish for the record.

15                  That refreshes your recollection about  
16   whether you initiated a conversation with  
17   Mr. Cooper about joining the Hudson route?

18   A   Yes, it does.

19   Q   Okay. And this was -- even though you had  
20   already felt that you observed Mr. Cooper  
21   engaging in conduct that you found  
22   questionable?

23   A   Yes.

24   Q   Why didn't you go to someone else if you  
25   already had concerns about Mr. Cooper?

1                   Brooks - Confidential

2   A     He was in control about that. He was in  
3   control of the routes.

4                   When I asked around about who was in  
5   control of the routes, they told me I had to  
6   speak to Terry.

7                   So I said this, right here, in a room  
8   filled with other participants. And this is  
9   when he made the comment that he likes to be  
10   pulled up, chained down and whipped.

11   Q     So that's your belief, that on this  
12   July 6th, he said that in response to you  
13   asking about being assigned to the Hudson  
14   route?

15   A     Yes.

16   Q     Who else was there?

17   A     It was several other participants. I  
18   don't know -- I don't know them. I was pretty  
19   quiet. I didn't speak to many people.

20   Q     Is it possible that the comment you're  
21   attributing to Mr. Cooper occurred later on?

22   A     No.

23   Q     Okay. How did you -- so you said other  
24   people told you that Mr. Cooper was the person  
25   to see about being assigned to a route?

1                   Brooks - Confidential

2   A    Yes.

3   Q    Who are those people?

4   A    Mr. Porter.

5   Q    Mr. Porter told you that?

6   A    Dash Porter.

7   Q    Okay. What did he tell you?

8   A    That Cooper is -- if I wanted to go to a  
9       specific route, I need to speak to Mr. Cooper  
10      about that.

11   Q    Why did you want to be on the Hudson  
12      Route?

13   A    It was summertime. It was on Chelsea  
14      Piers. The environment was nice, by the water.

15   Q    What do you mean by bottle of water?

16   A    I said by the water.

17   Q    Oh, I apologize, by the water.

18                  If you go to the next page. If you look  
19      at 28, Page 5, Complaint 28.

20                  And then it says "In front of other  
21      employees, Defendant Cooper responded, 'Oooh,  
22      yeah, I like to be pulled up, chained up and  
23      whipped'."

24                  That's what you were referring to a moment  
25      ago?

1 Brooks - Confidential

2 A Yes.

3 Q You said "Cooper with the rest of the  
4 staff laughed."

5 Who was there that laughed?

6 A The people that were in the room.

7 Q Who was in the room?

8 A I told you I don't know them. I don't  
9 know them.

10 Q You don't remember the names of anyone in  
11 the room?

12 A No.

13 Q Are they RWA program participants?

14 A Yup.

15 Q Were there any employees of The Doe  
16 Fund --

17 A Everybody.

18 Q -- I'm sorry, other than Mr. Cooper?

19 A Everybody worked for The Doe Fund.

20 Everybody was either on the work crew or they  
21 were supervisors?

22 Q So you -- at The Doe Fund there was a  
23 distinction between people who are part of the  
24 Ready, Willing & Able program and people who  
25 were in the administrative staff of The Doe

1                   Brooks - Confidential

2       Fund?

3   A     Say that again.

4   Q     Strike that.

5                   So the people who were part of the Ready,  
6   Willing & Able program, they, as part of the  
7   Workforce Development phase, they were assigned  
8   to the work crews, correct -- road crews,  
9   correct?

10   A     We had street -- street cleanings, which  
11   was us, and we had supervisors.

12                  We wore the blue shirts and the  
13   supervisors wore the red shirts.

14                  You got different shirts for different  
15   people. Like, Terry wore a white shirt. And  
16   he was like a upward supervisor.

17   Q     Mr. Cooper ever go out with you on the  
18   routes?

19   A     Never.

20   Q     Was he your supervisor on the routes?

21   A     He was a supervisor for dispatch.

22   Q     Was he a supervisor on the route?

23   A     He was the supervisor for dispatch.

24   Q     That's not my question.

25                  I'm asking was he a supervisor on the

1                   Brooks - Confidential

2       route?

3   A   Not that I know of.

4   Q   Did he ever accompany you on the route?

5   A   No, he did not.

6   Q   Did you have a supervisor on the route?

7   A   Several.

8   Q   Okay. And on the Hudson route, who was

9       it?

10   A   It was several different supervisors.

11   Q   Who were they?

12   A   I forget his name, Julio something.

13   Q   Any other supervisors?

14   A   That's the name that I remember. It was

15   supervisors. He was the one that drove us

16   there.

17                  But we had different people driving us

18   there, depending on the day -- excuse me, and

19   depending who was there.

20   Q   Those were the people in the red shirts?

21   A   Yeah.

22   Q   Okay. And when you were at a work -- when

23   you were at a road site, what did the people in

24   the red shirts do?

25   A   They made rounds, made sure we were

1                   Brooks - Confidential

2 working.

3 Q     And what were you and the other people in  
4 the blue shirts doing?

5 A     We were doing street maintenance.

6 Q     Okay. If you look back at the complaint,  
7 and you look at Paragraph 31,  
8 traditionally -- strike that.

9                   So let's go back to July 6th and the  
10 comment that you heard Mr. Cooper make.

11                  Did you report it to anyone?

12 A     What comment?

13 Q     The comment, oooh, yeah, I like to be  
14 pulled up, chained up and whipped.

15 A     No, I did not.

16 Q     Why not?

17 A     Because I didn't want no problems. I just  
18 ignored that. I ignored it.

19 Q     Okay. You look at Paragraph 31.

20                  It says "On or around July 8th, again,  
21 plaintiff contacted Cooper to obtain  
22 information on the Hudson route."

23                  So you initiated contact with Cooper on  
24 the 8th?

25                  Do you understand the question,

1                   Brooks - Confidential

2       Mr. Brooks?

3       A      I remember speaking to him, but I don't  
4       remember what the date was.

5       Q      And he wasn't your supervisor at that  
6       point?

7       A      What do you mean?

8       Q      Mr. Cooper wasn't your supervisor?

9       A      He was the route supervisor.

10      Q      But not your supervisor?

11      A      Not my supervisor. He was the supervisor  
12     that I was told that I need to speak to in  
13     order to get a specific route.

14                  So he was the one that I had to talk to  
15     about being placed on a route.

16      Q      He was someone -- but he didn't supervise  
17     you on that route?

18      A      While working on the route?

19      Q      Right.

20      A      No.

21      Q      And he didn't supervise you while you were  
22     doing your in-house work?

23      A      No.

24      Q      He didn't supervise you in connection with  
25     any other parts of your participation in the

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2 Ready, Willing & Able program?

3 A He was in control of the pay.

4 Q What do you mean?

5 A The schedule.

6 Q What do you mean "he was in control of the  
7 pay"?

8 A He was in control of the pay.

9 Q Did he set your -- did he set a rate of  
10 pay -- the rate of your stipend?

11 A Did he set the rate?

12 Q I'm sorry, what was your answer?

13 A I don't know what you mean by, "did he set  
14 the rate."

15 Q You said he controlled the pay?

16 A He controlled our schedules, our time  
17 schedules and how much we're supposed to get  
18 pay. I believe we're supposed to sign our  
19 hours.

20 Q Isn't it true that his title wasn't even  
21 supervisor?

22 A No, he was a supervisor.

23 Q That wasn't his title?

24 A Yes, it was.

25 Q Do you know what his title --

1 Brooks - Confidential

2 A He was the supervisor of dispatch.

3 Q Did anyone ever --

4 MR. SEIDENFELD: Can we go off for one  
5 second?

6 (Recess taken.)

7 BY MR. SEIDENFELD:

8 Q When you spoke with Mr. Cooper on  
9 July 8th, did he do anything inappropriate  
0 then?

A I don't remember the date, but . . .

2 O Let me --

3        I do remember approaching him on a  
4 staircase. We were going down the stairs and I  
5 asked him about the route, and he told me, I  
6 got you and then walked away.

7 Q So nothing inappropriate in that  
8 interaction, right?

19 A No.

:0 Q Okay.

Q Mr. Brooks, I'm going to hand you what's

1                   Brooks - Confidential

2   been marked as Plaintiff's Exhibit 4, which is  
3   Bates-stamped TDF000142.

4                   This is the schedule that you received as  
5   part of the Workforce Development program for  
6   the week starting Sunday, July 17, 2016,  
7   correct?

8   A   Yes.

9   Q   This shows you were assigned to the Hudson  
10 route?

11 A   Yes.

12 Q   It shows that on Sunday the 17th, Monday  
13 the 18th, Tuesday the 19th and Wednesday the  
14 20th, you were assigned to work from 3:00 to  
15 11:30 p.m., correct?

16 A   Yes.

17 Q   Do you know who gave this schedule to you?

18 A   Do I recall who handed it to me, no.

19 Q   And this was what you had requested, to be  
20 assigned to the Hudson route?

21 A   Yes.

22 Q   If you look at Paragraph 35 of your  
23 complaint, it says that you immediately  
24 contacted Mr. Porter to inform him about a  
25 discrepancy.

1                   Brooks - Confidential

2                   And that was referring to a discrepancy in  
3                   the schedule?

4   A    Yes.

5   Q    What did you tell Mr. Porter?

6   A    Well, at the time, this wasn't conducive  
7                   to me spending time with my child -- getting my  
8                   kids and my -- the drug program that I was in.

9   Q    Mr. Porter said that he would look into it  
10                  and try to fix it for you?

11   A    Yeah. He said he would speak to Terry  
12                  about it.

13   Q    And did you work -- strike that.

14                  Did you participate in the Workforce  
15                  Development program on the days of this  
16                  schedule, on the 17th, 18th, 19th and 23rd?

17   A    Yeah.

18                  Mr. Porter said I had to go to work  
19                  because that's what the schedule was for. And  
20                  that once he fixed it, then I wouldn't have to  
21                  work on those days. But I was required to do  
22                  this, their schedule.

23   Q    Isn't it true that after July 23rd, that  
24                  while you were on the -- strike that.

25                  Isn't it true that after July 23rd, that

1                   Brooks - Confidential

2   A     The Hudson route.

3                   I was on the Hudson route -- that was the  
4   Hudson route, period. There wasn't any  
5   alternate schedule for the Hudson route. They  
6   had a different crew from a different building,  
7   facility, that worked in the nighttime. This  
8   was the nighttime route, and it was just for  
9   our crew.

10                  And I worked this route for about three  
11 weeks, maybe.

12   Q     I want you to look at Line 6.

13                  Do you see that above, right above seven?

14   A     Yeah.

15   Q     Does anything on Row 6 show that you  
16 worked the Hudson route the week ending  
17 7/30/2016?

18   A     It says "OFF."

19   Q     It says "OFF," then it says "SPE," then it  
20 says Myrtle Avenue BID. Vernon LIC, SPE, SPE,"  
21 and then it says "OFF."

22                  I'm just reading across Row 6.

23                  Is that what it says there?

24   A     Yeah, that's what it says.

25   Q     And it shows you were off on Sunday and

1                   Brooks - Confidential

2 off on Saturday, correct?

3 A        Yeah. I'm not sure if that's accurate,  
4 though.

5 Q        Why wouldn't it be accurate?

6 A        I'm not sure if it's accurate because I do  
7 remember working the Hudson route for a couple  
8 of weeks. They -- I had made problems trying  
9 to get it changed. I had to speak to several  
10 different people. I had to argue with Wiggins  
11 about it. I had to speak to Tim about it. I  
12 had to speak to Ronald. I had to speak to a  
13 lot of people about getting the route changed.  
14 Eventually it got changed, and Mr. Washington  
15 helped with that, but that was after the  
16 situation with Terry.

17 Q        Okay. So after -- let me ask you a  
18 question: After the situation with Terry or  
19 with Mr. Cooper, did you work the Hudson route  
20 any more after that?

21 A        Not that I remember.

22 Q        You have any documents that would show us  
23 when you were assigned to the various routes?

24 A        Any documents that I do have I turned it  
25 over to my attorney.

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2   A    I guess it is.

3   Q    There was a time when you were assigned to  
4   the Vernon route?

5   A    Yes, I did work at -- on Vernon before,  
6   yes.

7   Q    Okay. And if you see CM -- if you look  
8   next to that it says "Maspeth."

9                  Is that also a route that you were  
10   assigned to?

11   A    I believe -- that sounds familiar. So it  
12   could be possible that I worked there a couple  
13   of times.

14   Q    And then if we just go back to that "CUS"  
15   at the end of Row 3, does that -- is there any  
16   route that you recall being assigned to that  
17   could have had the abbreviation CUS; do you  
18   remember?

19   A    No.

20   Q    Okay. No route that you recall had that  
21   abbreviation?

22   A    I don't remember having no abbreviations  
23   at all. You're telling me this now. But I  
24   don't recognize CUS at all for nothing.

25   Q    I want to turn your attention to

1                   Brooks - Confidential

2       Paragraph 40 of the complaint. You see where  
3       it says "By way of example, one of the workers  
4       told Defendant Cooper, 'Get your ass out of  
5       here, Terry, you're holding us up.' Defendant  
6       Cooper replied 'Everything you say has to do  
7       with my ass. I know you want some. You just  
8       can't stop thinking about my ass'."

9                   And that was on July 17, 2016?

10      A       I don't remember what date it was. I  
11       remember it was a day we were going to a route.  
12       We were going to the route. It was the Hudson  
13       route.

14      Q       You remember if it was the first -- you  
15       remember it was the first --

16      A       I believe it was my first time going out.

17      Q       And that would have been July 17th, based  
18       on what we looked at?

19      A       Yeah.

20      Q       Okay. Where did Mr. Cooper actually --  
21       where did Mr. Cooper allegedly say this?

22      A       He said it inside the van. We were all  
23       loaded up in the van.

24      Q       Was he in the van?

25      A       No, he was standing outside of the van.

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2 Q Who said, "Get your ass out of here,  
3 Terry, you're holding us up"?

4 A I don't know. They were in the back.

5 Q Someone in the van?

6 A Yeah. I was in the front of the van.

7 Q Okay. Do you remember anyone else who was  
8 either in the van or outside the van?

9 A Yeah.

10 Q Who?

11 Who was in the van?

12 A I know Anthony Marshall was in the van.

13 Q Who is Anthony Marshall?

14 A He was on the work crew with me as well.

15 Q He was RWA program participant?

16 A He worked the Hudson River Park.

17 Q Who else?

18 A I don't know. I don't know the rest of  
19 the guys like that.

20 Q Other people in the program?

21 A Other people in the van that was working  
22 the route.

23 Q And the program?

24 Yes?

25 A The supervisor was there, too. I don't

1                   Brooks - Confidential

2   remember his name. But it's Julio something.

3   Q    He was one of the people in the red  
4       shirts?

5   A    Yeah.

6   Q    Did Julio hear the comment?

7   A    I assume he did. Everybody else did.

8   Q    You don't know if Julio heard it or not?

9   A    I don't know if he could even recall it,  
10   but . . .

11   Q    When you first got to Gates Avenue, did  
12   you have a roommate?

13   A    Yes, I did.

14   Q    Who was your roommate?

15   A    Turk.

16   Q    Do you know Turk's last name?

17   A    I believe his name was Mohammad.

18   Q    So Turk Mohammad?

19   A    I don't know if that's his real first  
20   name. That's what people called him.

21   Q    Okay. Any other roommates?

22   A    Yeah. Later on down the line.

23   Q    About how long were you roommates with  
24   Turk?

25   A    For quite a while. For the majority of my

1                   Brooks - Confidential

2   Q    So you -- it was an off day?

3   A    Yeah, I wasn't working.

4   Q    Okay. I got to go -- one second, I  
5 apologize Mr. Brooks. I want to go back to the  
6 comments that you allege Mr. Cooper made on the  
7 17th saying, "Everything you have to say has to  
8 do with my ass."

9                   Did you report those comments to anyone?

10   A    Did not.

11   Q    Why not?

12   A    I didn't want no problems. He wasn't  
13 speaking to me directly.

14   Q    You didn't feel that it concerned you?

15   A    Did it concern me?

16   Q    It didn't -- you didn't feel that it  
17 related to you, the comments?

18   A    No, that's not what I said.

19                   He wasn't speaking directly to me. I  
20 mean, I didn't like the comments. I would have  
21 preferred not to be around that. But it wasn't  
22 personal with me. I didn't feel like it was  
23 professional for him to be doing that at work.  
24 But he wasn't speaking directly to me, he was  
25 talking to somebody else in the van and I just

1                   Brooks - Confidential

2       overheard it because he was right in front of  
3       me. He was right outside the van. I was  
4       sitting next to the van door. So he was  
5       talking that right there right before me,  
6       so . . .

7   Q    Okay. You say that Mr. Cooper asked you  
8       to come to his office at about 9:00 a.m. on the  
9       morning of July 21st while you were outside  
10      having a smoke break.

11                  Does that sound correct?

12   A    Yeah, in the morning I was outside  
13      smoking, he came and asked --

14   Q    We'll get to that in a second.

15                  What were you doing that morning?

16   A    I was smoking.

17   Q    But before that, what time did you wake  
18      up, do you remember?

19   A    No, I don't remember the time I woke up.

20   Q    What were you doing before you were  
21      outside smoking?

22   A    I was in my room.

23   Q    Okay. Did you eat breakfast?

24   A    No.

25   Q    Okay. So you went outside and you were

1                   Brooks - Confidential

2   arrived at Gates Avenue?

3   A   Who, Paul?

4   Q   Paul Washington, excuse me, yes.

5   A   No.

6   Q   When's the last time you spoke to

7   Paul Washington?

8   A   I can't recall.

9   Q   Was it this year?

10   A   No.

11   Q   You say Mr. Cooper called you into his

12   office, correct?

13   A   While I was smoking he asked me how was  
14   the Hudson route, did I like it. I said it was  
15   good, it's just not conducive with my schedule.

16   He said but you liked it, right. I was like,  
17   yeah, it was all right. He said when you  
18   finish smoking, come into my office. I said  
19   all right.

20   Q   Can I ask you, you said Mr. Stevens was  
21   outside.

22                  Who is Mr. Stevens?

23   A   The house manager.

24   Q   Do you know his first name?

25   A   James, I think. I'm not sure.

1                   Brooks - Confidential

2   A   Initially he said, Come in, because I was  
3   standing at the door. He said come in.

4   Q   The door was still open, correct?

5   A   Yeah.

6                   He said something about coming over to the  
7   desk and he don't bite, some shit like that. I  
8   don't really remember what he said. But I  
9   remember him telling me to come to the desk.

10   Q   And did you go to the desk?

11   A   I did.

12   Q   Were you -- the chairs were they on the  
13   other side of his desk?

14   A   What do you mean?

15   Q   He had a chair -- he was sitting behind  
16   his desk, you said?

17   A   Yeah.

18                   He was sitting at the desk, yes.

19   Q   And he told you to come in and sit, right?

20   A   No. He just said come here. Come to the  
21   desk.

22   Q   So did you stand next to him while he was  
23   sitting?

24   A   Yeah.

25   Q   And then what did he say?

1                   Brooks - Confidential

2   A    He was talking about the route.

3   Q    The Hudson route, correct?

4   A    He was talking about whether or not he  
5       could give me both my weekend days off.

6   Q    What -- do you remember what else he said?

7                   Did you say something in response?

8   A    Not really, because at this point --  
9       because he was flinging his hands and he end up  
10      touching me.

11   Q    You say he was flinging his hands.

12                  What do you -- strike that.

13                  So if he was -- was he speaking as he was  
14      flinging his hands?

15   A    Yeah, he was speaking with his hands.

16   Q    Well, no, no. You said -- I want to know  
17      what he was saying while he was flinging his  
18      hands.

19   A    He was talking about the route. He was  
20      telling me he don't know if he could give me  
21      both days, whatever.

22   Q    Was he flinging his hands -- did he touch  
23      you at that point?

24   A    Yeah.

25   Q    What, if anything -- where did he touch

1                   Brooks - Confidential

2       you when he was flinging his hands?

3   A     He touched my penis. I thought it was a  
4   mistake.

5   Q     You say he touched it.

6                   What do you mean?

7   A     He touched it. He was going like this  
8   while he was talking with his hands and he end  
9   up touching my penis. And I thought it was a  
10   mistake. I should have known better. I backed  
11   up so he could finish talking.

12   Q     When you say he touched it as he was  
13   flinging his hands, did he grabbed it?

14   A     Not at that point, no.

15   Q     Did he -- what part of his hand did he  
16   touch it with?

17   A     It was his left hand.

18   Q     It was the front of his hand, back of his  
19   hand?

20   A     I don't know. He was going like this. So  
21   I don't know if -- it was possibly his fingers  
22   or something.

23   Q     How long was there contact, this initial  
24   time?

25   A     It was immediately.

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2 Is that clear?

3 Q Yes.

4 A Then he took his hand out and grabbed my  
5 penis on my pants. He wasn't inside. He was  
6 on my pants when he grabbed my penis.

7 Is that clear?

8 Q Yes. I know this is -- I apologize in  
9 advance. But we just need to make sure we  
10 understand what happened to you regarding --

11 A All right. Do you understand?

12 Q Yes, that's very -- so it was over the  
13 pants.

14 And then what -- then did you say anything  
15 in response?

16 A No. I was shocked. I couldn't believe  
17 it. I was in shock.

18 Q Okay. And then what happened next?

19 A I exited the room. I told him I had to go  
20 and get ready for a shower. I had to go see my  
21 son and got up out of there.

22 Q Did he say anything to you before he left?

23 A When I reached the door he said he's  
24 coming up in a minute.

25 Q What did you do after you left the office?

1                   Brooks - Confidential

2       started taping?

3   A    Yes, I did.

4   Q    You used -- that was your cell phone?

5   A    Yes, it was.

6   Q    Did you use any other devices to tape?

7   A    No.

8   Q    Did you have a camera?

9   A    No.

10   Q   Did you ever have a 16 mega pixel camera?

11   A   Yes, I do. I own one.

12   Q   You still own it?

13   A   Yep.

14   Q   Did you have it with you in your room at  
15   that time?

16   A   No, I didn't.

17   Q   Okay. Did you tell Mr. Cooper you were  
18   taping him when he came in?

19   A   No.

20   Q   So I just want to make sure.

21                  Do have any video of any interactions with  
22   you and Mr. Cooper from July 21, 2016?

23   A    No.

24   Q    Okay. At some point subsequently -- at  
25   some point after you told The Doe Fund about

1                   Brooks - Confidential

2   Mr. Cooper's actions, did The Doe Fund start an  
3   investigation?

4   A   Yes.

5   Q   During this investigation, did you tell  
6   anyone at The Doe Fund you had video of the  
7   incident in your room?

8   A   Yes, I did.

9   Q   Why did you do that?

10   A   Because I didn't think people was going to  
11   believe me. I wanted them to take me  
12   seriously.

13   Q   Did they take you seriously?

14   A   Yes, they did.

15   Q   And as soon as you complained, they took  
16   action very quickly, right?

17                  MS. O'CONNELL: Objection.

18   A   As soon as I complained I got a meeting  
19   with HR.

20   Q   The morning -- the same morning that The  
21   Doe Fund received your complaint?

22   A   No, it wasn't the same morning.

23   Q   But did you meet with Mr. James Washington  
24   the same morning that you -- that he received  
25   your complaint?

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2   A     I made the complaint that night when I  
3   came back from my wife's house. I wrote it at  
4   my wife's house. I put it in  
5   James Washington's desk -- his mailbox. And  
6   the next day James Stevens came in and told me  
7   that James Washington wanted to see me.

8   Q     And you met with James Washington that  
9   next morning?

10   A    And I met with him, yes.

11   Q    And that was a Friday, the next day,  
12   correct, that day you met Mr. Washington?

13   A    I don't know which day it was.

14   Q    I'll just -- if you take a look at  
15   Exhibit 4, you can see that it shows that  
16   Sunday is the 17th, Monday the 18th, Tuesday  
17   the 19th, Wednesday the 20th, Thursday --

18   A    This don't exactly tell when that  
19   happened. The day that I made that report --

20   Q    Well, the day you made --

21   A    -- I think it was the 24th.

22   Q    The day that you alleged the incident with  
23   Mr. Cooper happened was July 21st, correct,  
24   2016?

25   A    Yeah.

1                   Brooks - Confidential

2   Q    Okay. And do you remember -- I'll tell  
3       you it's a Thursday.

4                   Do you have any reason to believe it  
5       wasn't?

6   A    No, I don't. No.

7   Q    Then you met with Mr. Washington that next  
8       morning on -- Friday morning, correct?

9   A    Yeah. I met with him the next day, yes.

10   Q    And then you met again with Ms. Gilmore  
11      and other members -- other employees of The Doe  
12      Fund that following Monday as a part of their  
13      investigation, correct?

14   A    I met with two people that they said was  
15      from HR. And we all was in the office with  
16      Mr. Washington.

17   Q    And that was Monday the 25th, July 25?

18   A    I don't remember the dates.

19   Q    Okay.

20   A    I just remember being there.

21   Q    You remember if it was the next weekday?

22   A    No.

23   Q    If you don't remember, that's fine. We  
24      can move on.

25   A    Yeah, I said no.

1                   Brooks - Confidential

2         room.

3   Q       Where -- did you close the door?

4   A       No, he closed the door.

5   Q       Okay. And, what, if anything, did -- who  
6       spoke first?

7   A       I can't recall. I think he spoke first.

8       He asked me why was my door locked. I told him  
9       I always lock the door. He said why was it  
10      locked? Why was it locked? I said it's a slam  
11      lock.

12   Q       And then what did you and Mr. Cooper  
13      discuss?

14   A       I remember asking him what did he have as  
15      far as the schedule was concerned. And he  
16      started talking about the schedule, but at the  
17      same time he started to touch me.

18   Q       And what was he saying when he started to  
19      touch you?

20   A       I could barely remember. He just was  
21      saying he don't know if he could give me both  
22      weekend days off. That's what we had been  
23      discussing. That's what I asked everybody for,  
24      from my counselor on up to James Washington, I  
25      asked for the weekends off so I could spend the

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2 time with my family.

3                   So he was telling me he don't know if he  
4 could give me both days off, maybe one day.

5 But at the same time he was fondling my penis.

6 But when he came in, he grabbed my phone.

7 That's the first thing that he did. He took my  
8 phone off the bed.

9 Q               What did he say?

10 A              He asked me was I on the phone.

11 Q              And what did you saw?

12 A              I said, yeah. It was recording. I was  
13 new to these smartphones.

14                  So when I started recording -- I think  
15 this was the first time I even ever made a  
16 recording, period.

17                  So the recording -- it had a mic on it.

18                  You know what I mean?

19                  And you could see the mic. And so when he  
20 picked up my phone and seen it was a mic, I  
21 guess he assumed that it was somebody else on  
22 the other line. I think. I don't know what he  
23 assumed. But that's what he asked me, was I on  
24 the phone.

25                  I took my phone out of his hand and put it

1                   Brooks - Confidential

2       back on the bed, and I told him, yeah, I'm on  
3       the phone.

4       Q       You said he was fondling you. Again I'm  
5       going to ask you what exactly he did.

6       A       He started touching my penis and --

7       Q       Over your -- were you wearing the same  
8       thing you were wearing downstairs?

9       A       Yes, I was wearing the same thing.

10      Q       And did he touch you over your pants or  
11       under your pants?

12      A       Over. He rubbed it for a second and he  
13       pulled it out. He tried stroking it.

14      Q       When you said he pulled it out, he reached  
15       under your underpants?

16      A       Yeah, yeah.

17      Q       And pulled your penis out of your pants?

18      A       Yeah.

19                  MS. O'CONNELL: Let the record reflect  
20       that the plaintiff was making masturbation  
21       motions.

22                  MR. BARTOLOMEO: Objection to the  
23       characterization.

24      Q       If you can characterize what he was doing?

25                  MR. SEIDENFELD: If he's not -- like I

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2   A   For a couple of second because I backed  
3   up.

4   Q   Did you say anything when you backed up?

5   A   No.

6   Q   Did he say anything?

7   A   He was talking the whole while. I  
8   couldn't hear him, but he was saying something.  
9   I pulled my pants up and I remember saying that  
10   I have to go. I got to get ready. I got to  
11   get in the shower, and he exited my room.

12   Q   Do you remember what kind of pants you  
13   were wearing?

14   A   No.

15   Q   They were loose fitting pants?

16   A   I don't remember.

17   Q   Do you remember trying -- why didn't you  
18   push his hand away?

19   A   I pulled back.

20   Q   Okay. And was it such a brief encounter  
21   that you didn't have time to push his hand  
22   back?

23   A   It was long enough. But I didn't touch  
24   him. I just pulled back and pulled up my  
25   pants.

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2 Q You said it was a for a couple of seconds,  
3 I believe.

4 Is that what you just testified to a  
5 minute ago?

6 A Yeah. I wasn't timing it. It didn't take  
7 very long, though.

8 Q A matter of seconds -- actually, strike  
9 that

10 Mr. Cooper -- I'm sorry. I apologize.

11           Mr. Brooks, in the course of this  
12   litigation you produced to us some of the tapes  
13   that you made?

14 A Is that an insult?

15 O I apologize.

16 A You call me that man three times.

17 Q I apologize.

18 MR. SEIDENFELD: We can go off.

19 MS. O'CONNELL: No, you can stay on the  
20 record.

21 MR. BARTOLOMEO: Yeah, let's stay on the  
22 record, please. I'd like to hear.

23 MR. SEIDENFELD: Okay.

24 A Is that an insult?

25 Q I didn't mean it as an insult. You know,

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2 Plaintiff's Exhibit 6, the file called "Terry"  
3 from zero to 3 minutes and 15 seconds.

## 4 (Tape Playing.)

5 BY MR. SEIDENFELD:

6 Q Mr. Brooks, is that the recording that you  
7 made?

8 A Yes.

9 Q Why did you let Mr. Cooper enter your room  
10 if he had already allegedly touched you when  
11 you were downstairs in his office?

12 A He knocked on the door, I opened the door.

13 Q How come you didn't tell him to leave or  
14 say, Please don't come in?

15           A       He's staff. I can't control what's going  
16           on in there. They run that building. I don't  
17           run that building.

18 Q Mr. Cooper worked in the dispatch office.

19                   Did he have any authority having to do  
20                   with the residential aspect --

21 A I don't know.

22 Q -- of the Gates Avenue --

23           A       I don't know what kind of authority he  
24           has.  I just knew he was a supervisor.  He was  
25           up there.  He came up there.

1                   Brooks - Confidential  
2 phones. The phones thing -- the record thing  
3 was all new to me. The smartphones is new to  
4 me. I was just learning about how to deal with  
5 smartphones.

6 Q       What did you do after Mr. Cooper left?

7 A       I got ready to take my shower.

8 Q       Did you go talk to anyone about what  
9 happened before you took your shower?

10 A      No.

11 Q      Why not?

12 A      Because I knew I had to leave. I didn't  
13 know who I was going to talk to anyway. I  
14 didn't know what I was going to do. I never  
15 been in a situation like this before. It never  
16 happened to me. Not in prison. Not in the  
17 streets. I didn't know what to do.

18               My only recourse was to be violent, and I  
19 knew I couldn't do that because I would have  
20 been back in prison. So I didn't know what to  
21 do.

22               So after I got in the shower, I went  
23 downstairs and I went to speak to  
24 Mr. Paul Washington. I trusted Paul.

25 Q      We'll get there in a minute.

1                   Brooks - Confidential

2                   I just want to ask, when you went to go  
3 take a shower, where was your phone?

4                   Did you leave it in your room?

5 A                I don't remember.

6 Q                Did you bring the phone to the bathroom?

7 A                I don't remember.

8 Q                Was there anyone in the shower room when  
9 you got there?

10 A               No.

11 Q               In your complaint you say Mr. Cooper came  
12 into the bathroom while you were in the shower;  
13 is that correct?

14 A               That's correct.

15 Q               What did he do?

16 A               He came and looked in.

17 Q               When you he "looked in," what did he do?

18 A               He looked at me.

19 Q               Where were you?

20 A               I was standing by the mirrors.

21 Q               Were you dressed?

22 A               I think I had pants on or something. I  
23 think I had my shirt off.

24 Q               Was it before or after you showered?

25 A               It was before I showered.

1                   Brooks - Confidential

2   Q    Okay. Did he say anything to you?

3   A    No.

4   Q    Did you say anything to him?

5   A    No.

6   Q    How long did he look at you for?

7   A    A few seconds. He looked like he was  
8 nervous. He looked in and then he left.

9   Q    Then you went and you showered?

10   A    Yeah.

11   Q    What did you do next?

12   A    Got dressed, went outside and spoke to  
13 Mr. Washington.

14   Q    Didn't you go and speak to Mr. Cooper  
15 first?

16   A    Nope.

17   Q    Sorry, I just didn't hear you.

18   A    I don't -- I don't -- no, I don't  
19 remember. I think I went to speak to  
20 Mr. Washington first. Then I came back because  
21 he told me to speak to James Washington. And  
22 that's when I went in and tried to record Terry  
23 admitting that he had touched me.

24   Q    Can you take a look at your complaint.

25   Mr. Brooks, can you take a look at your

1                   Brooks - Confidential

2       complaint. I want to direct you to

3       Paragraph 73.

4                   It says "Plaintiff returned to Defendant  
5       Cooper's office after his shower, hoping to  
6       finally get his schedule sorted out, so that he  
7       could have time to be a father to his  
8       children."

9                   Do you see that?

10      A       Yes.

11      Q       Does that refresh your recollection about  
12      whether you went to speak with Mr. Cooper  
13      before you went to speak with  
14      Mr. Paul Washington?

15      A       No. I don't know what sequence that I  
16      went to speak to him.

17                   It was after my shower, yes. But I don't  
18      know if I went to speak to Paul first or if I  
19      went to speak to Terry first. I don't know. I  
20      don't remember.

21      Q       Why did you go and meet with Mr. Cooper  
22      after your shower?

23      A       I wanted to get him on the record saying  
24      something about what he did.

25      Q       You recorded -- so you recorded that

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2 him. But somebody came, opened the door and  
3 yelled for Terry.

4 Q And this was the meeting on July 21, 2016,  
5 when you went back to Terry's office after you  
6 had taken a shower?

7 A Yes.

8 Q Okay. Now we're going to play the file  
9 named Terry 2, which we had marked as  
10 Plaintiff's Exhibit 7 from 2 minutes and 50  
11 seconds to six minutes and 30 seconds.

## 12 (Tape Playing.)

13 BY MR. SEIDENFELD:

14 Q Mr. Brooks, we stopped the recording at  
15 426.

16                   From 250 to 426, were you in Mr. Cooper's  
17                   office, or were you on your way there?

18 A I was on my way there.

19 Q Okay. And do you know any of the other  
20 people's whose voices you heard on the tape we  
21 just played?

22 A No.

23 Q Okay. And you didn't go talk to them or  
24 report what happened to any of them?

25 A No, I didn't know them.

1 Brooks - Confidential

2 Q Okay. We're going to play the rest of the  
3 file, Terry 2 starting at 426.

## 4 (Tape Playing.)

5 BY MR. SEIDENFELD:

6 Q Mr. Brooks, is that the recording, a piece  
7 of the recording that you made during your  
8 meeting with Mr. Cooper?

A      Yeah, that was the second.

10 Q Okay. I heard some other voices on the  
11 recording.

12 Do you know who any of those voices were?

13           A       No.   People was coming in and out. I  
14           don't know.

15 Q People were -- the whole -- during the  
16 whole time of the recording that we played  
17 people were coming in and out?

18 A They weren't coming inside the office.

19           But dudes were sticking their head in front of  
20           the door and talking.

21 Q Was the door open?

22 A It wasn't wide open. You could hear it  
23 opening and closing. You could hear it.

24 Q Okay. Again, why didn't you say anything  
25 to Mr. Cooper about what had happened,

1                   Brooks - Confidential

2       allegedly happened, if you knew you were  
3       recording this?

4       A     Like I said, I believe he knew that I was  
5       recording, too.

6       Q     So why wouldn't you at least --

7       A     I didn't know what to think. I never did  
8       nothing like that before.

9                   To answer your question, I did nothing  
10      like this before. I never had to try to get a  
11      person to say what they were doing on tape. I  
12      never did it.

13      Q     I understand that you didn't know how to  
14      get him to say what happened.

15                  But why didn't you say what you alleged  
16      had happened?

17      A     I didn't know how to speak about the  
18      issue, period.

19      Q     Not even to say something along the --  
20      Hey, Terry, why did you do this to me when --

21      A     No, not even to say that. I wanted to  
22      fight Terry. And I don't really talk when I'm  
23      ready to fight. I wanted to fight. That's  
24      what I wanted to do.

25                  So I went to speak to somebody that I

1                   Brooks - Confidential

2       could speak to, which was Mr. Paul Washington  
3       so he could advise me on what I should do.

4   Q     That was after you spoke to Terry?

5   A     Immediately after. I don't know. I  
6       don't -- yeah, yeah, it was after I spoke to  
7       Terry.

8   Q     Why did you go speak to Terry a second  
9       time before you went to go speak to  
10      Paul Washington?

11   A     I told you I don't know if I went before  
12       or after, but I know I wanted to get him on  
13       tape saying something sexual to me.

14                  I didn't want to initiate it. I wanted  
15       him to say it on his own like he always do.

16   Q     You say "like he always do."

17                  Are you referring to -- other than the two  
18       incidents we discussed, are there any other  
19       times that Mr. Cooper touched you  
20       inappropriately?

21   A     No.

22   Q     Why did you say to him, What can I do to  
23       show my appreciation?

24   A     What?

25   Q     Why did you say to Mr. Cooper, what can I

1                   Brooks - Confidential

2   do to show my appreciation?

3   A    He said where's my appreciation at. He  
4   said where's my appreciation.

5   Q    Right.

6                   And then later you responded what can I

7   do --

8   A    Later? Immediately.

9                   I said what can I do to show you my  
10   appreciation, because I wanted him to say  
11   something sexual. But he knew I was lying to  
12   him and he said, good-bye.

13   Q    Why did you thank him for changing your  
14   schedule?

15   A    I was having a hard time getting my  
16   schedule changed.

17   Q    Why say thank you to someone who you claim  
18   has just subjected you to this type of  
19   treatment?

20   A    Why?

21                  Maybe it would have been better not to  
22   thank him.

23   Q    I'm trying to understand your thinking at  
24   the time.

25                  Can you tell us what your thinking was at

1                   Brooks - Confidential

2       the time you thanked him?

3   A    No, I can't. I don't know what I was  
4       thinking.

5   Q    After this meeting with Terry, you went to  
6       go see Paul Washington?

7   A    I don't know if it was before or after. I  
8       spoke to Paul Washington. I don't -- I don't  
9       remember.

10   Q    What did you say to Mr. Washington  
11      Mr. Paul Washington?

12   A    I told him what happened.

13   Q    And what did you tell him happened?

14   A    I told him that Terry touched me.

15   Q    Did you tell him that you went down to  
16      speak with Terry after that happened?

17   A    He told me to go speak to  
18      James Washington. And I think -- that's why I  
19      think I went and spoke to Paul Washington first  
20      before I came back.

21   Q    I'm sorry?

22   A    That's why I think I went to speak to  
23      Paul Washington first before I came back in the  
24      building. I don't remember, though.

25   Q    You said before you came back in the

1                   Brooks - Confidential

2                 And I told him I wanted to fight him, but  
3                 I didn't know what to do. He said don't, don't  
4                 do nothing like that. Go speak to  
5                 James Washington. And then I think I went back  
6                 in the building to speak to James Washington,  
7                 but he wasn't there. And so I went to go get a  
8                 recording.

9                 That's -- yeah, that's what I think  
10                happened. Then I went and tried to get  
11                Terry -- try to record Terry saying something  
12                inappropriate to me on tape.

13           Q       Did Paul Washington suggest you do that?

14           A       What, record him?

15           Q       Yes.

16           A       No.

17           Q       How come if Paul Washington told you just  
18               to go report the incident, why did you go back  
19               and speak to Terry if that's the order that  
20               these meetings happened in?

21           A       I just told you I wanted to get him on  
22               record saying something inappropriate to me.

23           Q       You said then you went to go and try and  
24               speak to James Washington.

25               What happened?

1                   Brooks - Confidential

2   A    He wasn't there, or he was in a meeting or  
3   something; I don't know. I know he was not  
4   accessible.

5   Q    What did you do next?

6   A    I left. I went to the Bronx.

7   Q    To your wife's house?

8   A    Yep.

9   Q    Why didn't you file a police report?

10   A    I'm uncomfortable with police to begin  
11   with. One of my parole stipulations is not to  
12   have any police contact.

13   Q    That stipulation prevents you from  
14   reporting what you believe to be an assault?

15   A    No police contact means no police contact  
16   to me. I never filed anything on anybody  
17   before, ever. I usually get my own justice.

18   Q    Why didn't you get your own justice  
19   against Mr. Cooper?

20   A    I didn't want to go back to prison. I  
21   have children. I didn't want to go to prison.

22   Q    Did you tell your parole officer what  
23   happened?

24   A    I did.

25   Q    Who is your parole officer?

1                   Brooks - Confidential

2   A    Bido.

3   Q    And what's the last name?

4   A    That is the last name.

5   Q    The last name is P-i-d-o?

6   A    B-i-d-o.

7   Q    B-i-d-o.

8                   And when did you tell your parole officer  
9 about what happened?

10   A    Immediately, as soon as I seen her.

11   Q    Do you know if your parole officer  
12 reported this to the police?

13   A    No.

14   Q    Did you --

15   A    I don't know.

16   Q    -- ask her not to?

17   A    No.

18   Q    What did your parole officer say to you  
19 when you told her what you alleged happened?

20   A    She asked me if I was okay. She asked me  
21 was I comfortable staying at the Gates facility  
22 anymore. I said I'm all right. He's not here,  
23 because he wasn't there.

24                   And that was about it.

25   Q    Do you know if this was before or after

1                   Brooks - Confidential

2       you spoke with Mr. James Washington the next --  
3       the day after the alleged incident?

4   A     I believe it was after.

5   Q     It was after?

6   A     I believe so.

7   Q     You said it was -- you said you told your  
8       parole officer immediately.

9                   Was it the same -- was it that day?

10   A    The next time I seen her I told her.

11   Q    Do you remember when that was?

12   A    No.

13   Q    Was it after you had met with The Doe Fund  
14      as part of their investigation?

15   A    I think so. I'm not sure.

16   Q    When you left the Gates Avenue facility,  
17      you said you went to your wife's house in the  
18      Bronx?

19   A    Yeah.

20   Q    And what did you tell your wife about what  
21      happened?

22   A    I typed up the report, that's what I did.

23   Q    Did you tell your wife about what  
24      happened?

25   A    No.

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2 Q Why not?

3 A I was embarrassed.

4 Q Why were you embarrassed?

5 A Because I felt I should have fought him.

6 Q Did you ever tell your wife about what  
7 happened?

8 A No.

9 Q To this day she has no idea?

10 A No.

11 Q Does she know you're involved in a  
12 litigation?

13 A No.

14 Q Mr. Brooks, you said you told your parole  
15 officer that you weren't afraid to be at the  
16 Gates Avenue facility, despite what I alleged  
17 happened.

18 Why was that?

19 A Because Terry was gone.

20 Q But not immediately, right?

21 A What do you mean, "not immediately"?

22 Q He was --

23 A He wasn't there at the time.

24 Q What do you mean, "at the time"?

25 A And Washington told me that he wouldn't be

1                   Brooks - Confidential

2       coming back until the end of the investigation.

3   Q    And that's when you met with

4   Mr. Washington, James Washington the next --

5   the morning after the day of the incident?

6   A    I'm going to need a break. I'm going to

7   need a break.

8   Q    Okay.

9   A    I got to smoke. I got to go.

10                  (Recess taken.)

11                  (Deposition Exhibit 8, Document Entitled

12   "Complaint," marked for identification as of

13   this date.)

14   Q    Mr. Brooks, I'm going to hand you what

15   we've marked as Plaintiff's Exhibit 8.

16                  Is that the complaint that you typed up

17   the night of July 21, 2016 at your wife's

18   house?

19   A    Yes, it is.

20   Q    And you wrote this on your own?

21   A    Yes, I did.

22   Q    Did anyone review it?

23   A    No.

24   Q    And -- strike that.

25                  Before you submitted it to

1 Brooks - Confidential

2 A year from the present, from today?

3 You have to say "yes."

4 A Yeah, I believe so.

5 Q Let's go back to your complaint.

6 When you returned to Gates Avenue, you  
7 brought the complaint with you in an envelope?

8 A Yes.

9 Q And --

10 A I don't know if it was in an envelope,  
11 though. I know I brought the complaint with  
12 me.

13 Q Was it folded -- did you -- so some people  
14 couldn't see what was on it?

15 A I don't remember.

16 Q Okay. What did you do with it?

17 A I put it in Mr. Washington's mailbox.

18 Q Okay. At this point had you told anyone  
19 about what happened, other than Paul  
20 Washington?

21 A No.

22 Q And that was the night of July 21st, the  
23 same day as the incident?

24 A Yes.

25 Q The next morning you met with

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2       James Washington?

3       A      Yes.

4       Q      And what did you -- what did  
5       Mr. Washington tell you?

6       A      He told me that he was -- there would be  
7       an investigation. And until the completion of  
8       that investigation, Terry would not be coming  
9       back in, that I didn't have to worry about  
10      seeing him.

11      Q      And was that the case?

12      A      No. I did see him again.

13      Q      You saw him the day that he came in to be  
14      interviewed by The Doe Fund, right?

15      A      Yes, I believe so.

16      Q      But he wasn't working, he was just there  
17      to be interviewed?

18      A      As far as I know.

19      Q      And after that date did you ever see  
20      Mr. Cooper again?

21      A      No.

22      Q      Okay. And as far as you know, are you  
23      aware that The Doe Fund terminated him?

24      A      I found that out later.

25      Q      Okay. When later?

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2   A    When somebody from The Doe Fund called me.

3   Q    Okay. Do you know if it was Kanise  
4       from --

5   A    I believe it was Kanisa.

6   Q    And that was shortly after you had met  
7       with The Doe Fund as part of their  
8       investigation?

9   A    It was after. I don't remember how long  
10      after, but it was after.

11   Q    And when you met with -- when The Doe Fund  
12      conducted their investigation, who did you meet  
13      with?

14   A    Two HR people and Mr. Washington.

15   Q    Ms. Gilmore?

16   A    That name sounds familiar, yes.

17   Q    The woman who's been -- she just stepped  
18      out.

19                  The woman who has been sitting here with  
20      us here today?

21   A    Yes, she does look familiar.

22   Q    And another person from The Doe Fund?

23   A    Yes.

24   Q    And they took your allegation seriously?

25   A    What do you mean did they take my

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2 allegation seriously?

3 Q   They took you seriously; they didn't blow  
4 you off and say go away?

5 A   They asked me a series of questions.

6 Q   To find out what happened; is that  
7 correct?

8                   To understand your allegations, correct?

9 A   They asked me questions.

10                  What their motive was, I don't know.

11 Q   Mr. Brooks, in this case, you're  
12 complaining that The Doe Fund and  
13 Mr. Washington and Mr. Cooper retaliated  
14 against you.

15                  What's the basis for your claim?

16 A   I never said Mr. Cooper retaliated against  
17 me.

18 Q   Who retaliated against you?

19 A   The employees at The Doe Fund.

20 Q   Which employees?

21 A   Mr. Wiggins, who was disturbing my routes,  
22 not allowing me to go on my routes. He refused  
23 to give me a new schedule. He would pull me  
24 off of my routes.

25                  Even though I was there on time and on the

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2       van, he would have me taken off the van and had  
3       to stand on the corner, and kind of made me a  
4       rover; meaning that I had a steady site that I  
5       was going to, and he pulled me off of that  
6       site, which was the Vernon site, without my  
7       knowledge.

8                   And what else?

9       Q       Let me -- we'll go -- actually, I'm sorry,  
10      tell me the other people who you claimed  
11      retaliated against you, and we'll go back  
12      through.

13      A       It was Mr. Wiggins. I think it was  
14      Mr. Stevens. He used to wake me up every  
15      morning even though I had a sleeping pass. And  
16      he would wake me up, and I was not able to get  
17      sleep so I could go to work.

18                  And other little things that was  
19      happening. I tried to recall most of the  
20      things that was going on.

21      Q       What else was going on that you allege as  
22      retaliation?

23      A       Like I said, with the work sites.

24      Q       Mr. Wiggins?

25      A       Mr. Wiggins.

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2   Q     So for now -- we'll go through the  
3   incidents. But I just want you to tell me all  
4   the people who you claimed retaliated against  
5   you?

6   A     Mr. Washington.

7   Q     James Washington?

8   A     Yeah.

9   Q     Okay. Who else?

10   A    Timothy Matthews. Eric, who was the head  
11   of security.

12   Q     Anyone else?

13   A     That's all, to my recollection.

14                Oh, well, Mr. O'Neil Young. He was kind  
15   of -- he was giving me a hard time. But, you  
16   know, I don't know if that was retaliation. I  
17   don't know if it was intentional.

18   Q     Anyone else?

19   A     Not that I recall at the moment.

20   Q     What did Mr. Young do to retaliate, if  
21   anything, against you?

22   A     Well, I said I don't know if it was  
23   retaliation or whatever. He was just giving me  
24   a hard time.

25   Q     About what?

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2   A     He was pretending that I wasn't trying to  
3   get my own apartment.

4   Q     Anything else?

5   A     Not that I remember.

6   Q     Eric, head of security, what did he do?

7   A     I had an overnight pass and I was out at  
8   my wife's house. Mr. Washington had gave me  
9   permission to go out and come in after 10:00.  
10   And when I returned he said that I didn't have  
11   an overnight pass. And that I wasn't allowed  
12   to go into my room. And I protested and I told  
13   him that Mr. Washington himself gave me  
14   permission, as well as Mr. Porter, who was my  
15   counselor at the time.

16   Q     When was this?

17   A     This was after the incident with  
18   Mr. Cooper.

19   Q     When?

20   A     I don't remember. I recorded it, though.  
21   I recorded a portion of it. I didn't get to  
22   record the first part because I didn't know  
23   that this was going to happen. So when I  
24   walked in I didn't know that it was going to be  
25   a problem.

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2                 And when I protested against it saying I  
3                 was going up to my room, he told me that I had  
4                 to sit in some corner and wait until --  
5                 sometime in the morning. And I told him I'm  
6                 not going to do that. He told me that he's  
7                 going to call the police on me.

8   Q         Did you go back to your room?

9   A         I did not.

10   Q         Where did you go?

11   A         I went and sat down.

12   Q         Where did you sit down?

13   A         I think I went to the backyard to smoke a  
14         cigarette.

15   Q         Do you know what time you returned?

16   A         No.

17         Eventually, you know --

18   Q         No, I'm asking you what time you came back  
19         to Gates Avenue.

20   A         No, I don't remember what time I came back  
21         to Gates.

22   Q         Anything else Eric did to retaliate  
23         against you?

24   A         Well, he was used by Timothy Matthews,  
25         telling me that I lost my bed. This happened

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2     several times.

3                   MR. SEIDENFELD: I'm sorry, could you just  
4     read back.

5                   (Record read.)

6   Q     Okay, and when was that?

7   A     I don't know the exact date.

8   Q     Was it close towards the time when you  
9     left the Gates Avenue facility?

10   A    Was it towards the time that I left the  
11   Gates Avenue facility?

12   Q    You want me to rephrase it?

13   A    Yes, please.

14   Q    How long before -- strike that.

15                  How close in time did this happen to the  
16   time when you left Gates Avenue?

17   A    Permanently?

18   Q    In July of 2017.

19   A    I can't really recall.

20                  What I do know is it happened on several  
21   occasions.

22   Q    When was the last time it happened?

23   A    I don't know. I recorded it. I recorded  
24   it, and I recorded Eric saying that Tim -- that  
25   it was Tim that was saying that I lost my bed.

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2   And he don't -- and that he believes it was  
3   retaliation against me. He said he don't know  
4   if it was something personal with me or  
5   whatever.

6   Q   Eric said that you?

7   A   Eric said that to me, because he said it  
8   was abnormal for them to be doing that to me.

9   Q   Anything else that Eric did to retaliate  
10   against you?

11   A   Eric was part of the security there. So  
12   the security would often come up to my room  
13   when I'm sleep and ask me for a urine.

14   Q   Was that part of your parole drug testing?

15   A   They are not parole.

16   Q   Was it part --

17   A   They are not my parole officers.

18   Q   Was it part of the terms you agreed to  
19   when you agreed to stay at the Gates Avenue  
20   facility?

21   A   No. That was part of The Doe Fund  
22   program. I was no longer a part of The Doe  
23   Fund program. They were not allowed to ask me  
24   for urine anymore.

25   Q   When you say you were no longer a part of

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2       The Doe Fund program, what do you mean?

3       A     I was no longer a apart of The Doe Fund  
4     program meaning, I was no longer on the work  
5     staff, on the work crews. I was no longer  
6     eligible to get the trainings that was offered  
7     and, therefore, I was no longer -- I was no  
8     longer eligible to go on my weekend visits with  
9     my wife and children.

10      Q     But you were still residing at The Doe  
11     Fund facility?

12      A     Because it's a shelter. It's a shelter.

13                  They did everything that they could do to  
14     kick me out. They wanted me out.

15      Q     Who wanted you out?

16      A     All of them. Particularly,  
17     Timothy Matthews -- and -- as was stated by  
18     Eric. And so they tried to make life difficult  
19     for me. They changed my room. That's how my  
20     room got changed from the first guy, Turk, that  
21     I was rooming with, into a larger room  
22     downstairs.

23      Q     Didn't you request for your room to be  
24     changed?

25      A     I did not. No, I did not.

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2   Q    So what else did -- anything else that  
3   Eric did to retaliate against you?

4   A    Not that I remember. I don't remember  
5   every little thing that they did.

6                   I just remember -- what I do remember, it  
7   was something every single day.

8                   But, you know, that was one of the, you  
9   know, problems was the urine.

10                  What they did have permission to do, being  
11   a DHS shelter, was to take a Breathalyzer test.  
12   I did that. But I wouldn't urine for them. So  
13   they were upset with me about that.

14   Q    That just happened one time?

15   A    No, it happened several times.

16   Q    Do you remember when?

17   A    No, I can't pinpoint every time that it  
18   happened, all the dates.

19   Q    Okay. And how did Mr. Matthews retaliate  
20   against you?

21   A    By telling the security that I had lost my  
22   bed when I had a right to be out at that time.  
23   There was a culture there where you call before  
24   the time and let them know that you were coming  
25   late, that they would hold the bed.

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2                   I would call the front desk and let them  
3                   know I was behind for whatever reason, and that  
4                   became a problem. And even though I would call  
5                   in advance, they would take my bed anyway and  
6                   make me sit inside this room for hours.

7   Q       How many times -- when did that happen?

8   A       It happened on a few occasions. I don't  
9                   remember the exact times, but I do recall tape  
10                  recording one of the times. Maybe once or  
11                  twice I tape recorded it.

12   Q       Anything else Timothy Matthews did to  
13                  retaliate against you?

14   A       No. It was more, you know, verbal  
15                  attitudes and things of that nature. I  
16                  recorded what I had.

17   Q       What did Mr. Stevens do to retaliate  
18                  against you?

19   A       I told you he would come --

20   Q       Just the wake up?

21   A       -- to my door and bang on the door and  
22                  jingle his keys and slam doors in the hallways  
23                  and I couldn't sleep.

24   Q       What about -- anything else that  
25                  Mr. Stevens did?

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2   A     You know, he had a standoffish attitude.

3   All of them had a standoffish attitude when  
4   dealing with me. I didn't care. I figured  
5   that they didn't like me because of the report  
6   that I made against, you know, one of their  
7   coworkers. So it was hostile. They were  
8   hostile.

9                 Also, I do know that -- I don't know who  
10   did it, but one of them told some of the work  
11   crew what happened with Terry. And I remember  
12   speaking with a guy and he said Terry got fired  
13   because he touched somebody. And I don't know  
14   if he knew it was me or not, but . . .

15   Q     Who told you this?

16   A     Somebody who worked on one of the routes.  
17   And I went in and spoke to Mr. Washington about  
18   it. I was very upset. And I told  
19   Mr. Washington I thought that this was supposed  
20   to be between us and HR.

21               And he act like he was surprised, like he  
22   didn't know how it got out of the room. But  
23   only me, him and HR was there. So, you know,  
24   who said something.

25               And so --

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2   Q    The person who said that Terry got fired  
3   for touching someone didn't say -- didn't tell  
4   you that he knew it was you?

5   A    No, he didn't say that.

6   Q    Okay. So as far as you know, whatever was  
7   told didn't specifically relate to your  
8   incident with Terry, or you weren't identified?

9   A    No. He didn't say if he knew it was -- I  
10   don't know if he knew it was me or not, or if  
11   he was mentioning that to -- hoping that I  
12   would say something about it. But I just  
13   listened.

14                 And I said, Really, oh, okay. And that  
15   was that.

16   Q    When -- when did this happen?

17   A    I don't remember when it happened. I just  
18   remember it happened. I don't remember what  
19   date it was.

20   Q    Did it happen in 2017?

21   A    I don't remember when it happened.

22   Q    Do you remember where you were working  
23   when it happened?

24   A    No.

25   Q    Was it when you were at 4C?

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2                   anymore and Terry was gone, you know.

3                   And I addressed that to Mr. Washington,  
4                   like, I shouldn't feel like -- I shouldn't be  
5                   retaliated against by the staff. If that was  
6                   their friend, they should have told him to stop  
7                   doing what he was doing.

8                   Q       How did Mr. Williams retaliate against  
9                   you?

10          A       Well, he was -- I was trying to get my  
11                   change of program, and they told me I had to  
12                   speak it Wiggins.

13                   I went to speak to Wiggins one day, and he  
14                   started talking, like, tough street talk. I  
15                   recorded him saying that he kick ass from -- in  
16                   Ready, Willing & Able to the streets. He's  
17                   well-known in Harlem, from the east side to the  
18                   west side.

19                   To me it appeared to be a intimidation  
20                   thing where he was trying to intimidate me. So  
21                   I concluded he knew about the situation that  
22                   happened with me and what's his name. So --

23          Q       Why did you conclude that based on that?

24          A       Because I had no problems with that man. I  
25                   didn't even know him. All I knew was he was

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2       the guy I had to go speak to.

3   Q      Speak to about what?

4   A      About getting a new schedule, a new work  
5       schedule.

6   Q      And do you know what Mr. Wiggins' title  
7       was?

8   A      No. But I do -- what people told me was  
9       that he was like a Mr. Washington for the  
10      porter.

11   Q      For the who?

12   A      For the porter, I believe. I could be  
13      wrong.

14                  But people told me he was like a  
15       Mr. Washington, that he was somebody. And when  
16       Mr. Washington is not there, he was the guy.

17                  And he was making little subtle threats.

18   Q      What kind of threats?

19   A      Indirect threats.

20   Q      What did he say?

21   A      I told you. Like how he kick ass from  
22       here to Harlem, and everybody -- he's about  
23       that mess, you know, meaning violence.

24                  And so he was giving me a tough time with  
25       getting my schedule, talking about he not going

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2       to give me two weekend days off. You know, I'm  
3       going to get what he give me. Stuff like that.

4       Q      Is this when you were on the Workforce  
5       Development phase of the program?

6       A      This was when I was doing the street  
7       cleaning, trying to get my thing changed.

8       Because even though Terry wasn't there, I still  
9       hadn't got a schedule, a work schedule.

10                  And I was trying to get my hands on a work  
11       schedule, because I had to turn in my work  
12       schedule to my counselor and to my parole, and  
13       they refused to give it to me.

14                  And so he was the guy I was told I had to  
15       speak to. And when I did, this is what  
16       happened. He was telling me about how he kick  
17       ass. And he was telling me he wasn't going to  
18       give me days.

19       Q      Anyone else you claim retaliated against  
20       you?

21       A      No. I mean, I recall Mr. Ronald Holly  
22       saying that I need to get my shit together.  
23       And I didn't understand where that was coming  
24       from. This was one of the opportunities where  
25       he pulled me off of the work truck. And I'm

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2       like, What do you mean I need to get my shit  
3       together? He said you need to get your shit  
4       together.

5                   I was there on time. I was on the work  
6       truck. They pulled me off of the work truck,  
7       made me stand on the corner and said I was  
8       going to a different route.

9                   And so I spoke to Mr. Bell about it,  
10      and . . .

11     Q        Anyone else retaliated against you?

12     A        I wouldn't say retaliated against. I was  
13      just -- I was having a lot of hard times on the  
14      sites. I would be doing my job. And there was  
15      a guy at the Vernon route, and the Myrtle route  
16      that would just give me a hard time.

17     Q        Do you remember his name?

18     A        No. He was the supervisor for those  
19      routes. The Vernon route. I can't remember  
20      his name. I probably wrote it down somewhere.  
21      But right now I don't remember his name. He  
22      would always run up on me and, you know, bother  
23      me about something.

24                   I'm a good worker. I like to work. So I  
25      know my work ethic is exemplary. So I couldn't

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2 understand why he was bothering me so much.

3 Q        Anyone else?

4 A        Not that I could recall at this point.

5 Q        How did Mr. Washington retaliate against  
6 you?

7 A        I believe I explained that already.

8 Q        I don't believe you did.

9                   Can you answer again?

10 A        I was speaking with him about all of this  
11 stuff. He would tell me that it was going to  
12 be taken care of, and he would send me to  
13 somebody, and then it would be a problem.

14 Q        What stuff?

15 A        Everything from taking off of work. I got  
16 put in for a no call no show.

17 Q        Did anything -- who put you in for a no  
18 call no show?

19 A        Mr. Bell, put me in for a no call no show.

20 And anyway it wasn't true.

21                   Me and Mr. Washington had discussed that,  
22 and I was getting the day off because I needed  
23 to see my parole officer and then I needed to  
24 return back to the facility to speak to HR.

25                   On that day I was put in for a no call no

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2       show. And I was very clear with Mr. Washington  
3       about it, and I still got put in for a no call  
4       no show.

5   Q     How do you know you were put in for a no  
6       call no show?

7   A     Because he told me. Mr. Bell told me I  
8       was put in for a no call. He's the one who did  
9       it.

10   Q    Would you have any -- were there any  
11       repercussions for --

12   A    Yeah. It's a writeup. It's on my work  
13       record.

14   Q    Did anything happen?

15   A    What do you mean, "did anything happen"?

16   Q    Did you lose an assignment?

17       Did you lose any pay?

18   A    No, it's --

19   Q    Were you suspended, demoted?

20       Were you terminated?

21       Did anything happen to you as a result of  
22       you alleging you were written up for a no show?

23   A    It was put on my record that I didn't call  
24       or didn't show. And it was expressed to me if  
25       I got more no call no shows, that I would be

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2       terminated from the work assignments.

3                   I didn't think that was fair because

4       Mr. Washington is the one that told me I could  
5       have off on that day; and he did the same thing  
6       with my late pass.

7                   He told me that I had a late pass, and  
8       when I came in, I was accosted by the security  
9       and berated and yelled at, talking about why  
10      I'm not in on time.

11     Q       When was this?

12     A       The time I told where I told you he said  
13      that he was going to call the police on me.

14     Q       Who said he was going to call the police  
15      on you?

16     A       Eric.

17     Q       Okay. Any other people who retaliated  
18      against you?

19     A       That's all I could recall at this time.

20     Q       You also claimed for discrimination based  
21      on your race.

22                   Who discriminated against you based on  
23      your race?

24     A       I feel it was not -- it was not only my  
25      race. It was my status as well.

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2   Q    First, I want to ask you who do you allege  
3   discriminated against you based on your race?

4   A    All the administers at The Doe Fund.

5   Q    How did they discriminate against you  
6   based on your race?

7                   Strike that.

8                   Who at The Doe Fund?

9   A    Timothy, James Washington, Mr. Wiggins. I  
10   don't know if his name -- his name is  
11   Anthony Wiggins, Mr. Stevens.

12   Q    How did Timothy discriminate against you  
13   based on your race?

14   A    I feel like they wouldn't have did that if  
15   I was another race.

16   Q    And what do you base that on?

17   A    Their attitudes towards me.

18   Q    Were there other people at The Doe -- at  
19   the Ready, Willing & Able program who they  
20   treated differently?

21   A    I don't know about what they did with  
22   other people. I wasn't in other people's  
23   business like that.

24   Q    Did Timothy say anything to you that made  
25   you believe he was discriminating against you

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2 based on your race?

3 A     Are you asking me did he say any racial  
4 comments?

5 Q     Did he?

6 A     I can't remember.

7 Q     What's Timothy's race?

8 A     I believe he's either Spanish or  
9 Caucasian. I'm not sure.

10 Q    How did Mr. Washington discriminate  
11 against you based on your race?

12 A    The same thing.

13 Q    Mr. Washington, the same thing you mean by  
14 giving you attitude?

15 A    Yeah.

16 Q    Did Mr. Washington say anything to you  
17 that you believed that made you believe that  
18 this attitude was based on your race?

19 A    Not that I recall.

20 Q    And what's Mr. Washington's race?

21 A    I don't know.

22 Q    You don't know if Mr. Washington's  
23 African-American?

24 A    No, I believe they said he was Dominican.  
25 I don't know. I'm not sure.

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2 African-American?

3 Q Isn't it true that he's African-American?

4 A Okay.

5 Q Is that yes?

6 A If you say so.

7 Q It's not if I say so.

8 A I don't know their ethnical background.

9 Q Would it surprise you to know he was  
10 African-American?

11 A No.

12 Q What facts do you have to support your  
13 claim that Mr. Stevens discriminated against  
14 you based on your race?

15 A I believe that I would have been treated  
16 different if I was from another race.

17 Q So your only basis is your opinion?

18 A Yeah.

19 Q What facts -- strike that.

20 Do you know -- isn't it true that  
21 Mr. Wiggins is black or African-American?

22 A I don't know that.

23 Q Would it surprise you to know that  
24 Mr. Wiggins is African-American?

25 A Okay.

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2   Q    What facts do you have to support your  
3   claim that Mr. Wiggins treated you differently  
4   because of your race?

5   A    I believe I would have been treated  
6   different if I was somebody from another race.

7   Q    Is the only basis for that allegation your  
8   opinion?

9   A    That's how I feel, yes.

10   Q    Okay. What facts do you have to support  
11   your claim that Timothy Matthews discriminated  
12   against you based on your race?

13   A    Things that he was doing.

14   Q    What things?

15   A    Getting me kicked out. Having me put to  
16   sit in a room after I did everything that the  
17   organization requested that I do, I still was  
18   punished for it.

19   Q    What did --

20   A    I believe he wouldn't have did that to me  
21   if I was from another race.

22   Q    And that's just based on your opinion?

23   A    That's how I feel about it.

24   Q    Okay. Anyone else you allege  
25   discriminated against you based on your race?

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2   A   Not that I recall.

3   Q   Mr. Brooks, who did you tell about your  
4   allegations with -- who did you tell -- strike  
5   that.

6                   Mr. Brooks, who did you tell about what  
7   you alleged happened between you and  
8   Mr. Cooper?

9   A   I told Mr. Paul Washington. I told  
10   Mr. James Washington. I told my counselor.

11   Q   Who is your counselor?

12   A   Yolanda.

13                  I told my PO. I told a few counselors.

14   Q   Counselors where?

15   A   Therapists.

16   Q   Who?

17   A   Early on when we read the report, I told  
18   that man.

19   Q   Dr. Reich?

20   A   Yes.

21   Q   Did you tell anyone else at The Doe Fund?

22   A   Not that I recall, no.

23   Q   And who is Yolanda?

24   A   She was my drug and alternative to  
25   violence counselor.

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2 BY MR. SEIDENFELD:

3 Q Mr. Cooper -- I'm really sorry.

4 Mr. Brooks, I apologize.

5 Mr. Brooks, you have a claim in this  
6 litigation, sir, claiming -- alleging sexual  
7 harassment; is that correct?

8 A Did you just ask me if I have a claim  
9 against sexual harassment --

10 Q You have a claim of sexual harassment,  
11 correct?

12 A Yes.

13 Q Other than the incidents we discussed  
14 involving Mr. Cooper, is there anything else  
15 that supports your -- any other facts -- do you  
16 have any other facts to support your claim of  
17 sexual harassment?

18 A Just the recordings that I produced.

19 Q Other than the incidents with Mr. Cooper  
20 on July 21, 2016, you don't allege that you  
21 were sexually harassed in any other way?

22 A By anyone else, you mean?

23 Q By anyone else, certainly, yes.

24 A No, I don't.

25 Q What, if anything -- what about -- did

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2       Mr. -- do you allege that Mr. Cooper did  
3       anything other than what we discussed that  
4       constituted sexual harassment?

5       A      No.

6       Q      Before we spoke briefly about your  
7       allegations of retaliation. You mentioned some  
8       names and some facts that you believe were  
9       retaliatory.

10                  For Mr. Matthews, what facts do you have  
11       to support the claim that he retaliated against  
12       you?

13       A      A recording where Eric stated that.

14       Q      And what's the basis that that was based  
15       on retaliation?

16       A      I had been doing everything I was supposed  
17       to do in the program, and I had been following  
18       all the rules and guidelines set up for me  
19       while living in the Gates Avenue facility.  
20       They had no reason to punish me.

21       Q      So just your opinion?

22       A      That's a fact.

23       Q      I'm asking -- no, no, no. I'm not  
24       asking you about what happened.

25                  I'm asking you what facts support the

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2       claim that what you said happened was based on  
3       retaliation?

4       A      I told you the recordings that I have with  
5       other staff members saying that what they were  
6       doing to me was abnormal. It's something  
7       that's not done. And it's something that my  
8       hand didn't call for. And it wasn't just Eric,  
9       it was also Mr. Bell, who was also a  
10      supervisor. He took over from Mr. Cooper's  
11      position as the dispatch supervisor. And he  
12      apologized to me because he knew that they were  
13      retaliating against me.

14                  And I got that on record as well.

15       Q      How did Mr. Bell know what happened  
16      between you and Mr. Cooper?

17       A      I don't know how he knew. I don't know  
18      how he knew or if he knew that something was  
19      going on with Mr. Cooper.

20                  But what I do know is he knew people were  
21      doing things to me that my hand didn't call  
22      for, and he apologized to me for it.

23       Q      So you don't know if Mr. Bell knew about  
24      what happened between you and Mr. Cooper?

25       A      I never discussed it with him.

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2   Q    Okay. Do you know if Mr. Matthews knows  
3   about what happened between you and Mr. Cooper?

4   A    I believe so.

5   Q    And what's the basis for that opinion?

6   A    What's the basis of that opinion, is  
7   after -- prior to this situation, I didn't have  
8   any problems with any of the staff.

9                  After the situation it was a hostile  
10   situation with all of the staff. And I never  
11   had no personal disagreements with anyone.

12   Q    You don't know for a fact that  
13   Mr. Matthews knew about the incident between  
14   you and Mr. Cooper?

15   A    I never told him.

16   Q    And you don't know if anyone else told  
17   him?

18   A    I was never there to witness someone tell  
19   him. But I feel that he did --

20   Q    And that's just your opinion?

21   A    I'm quite sure they did.

22                I mean, he's administration staff. I had  
23   dudes in the work crew that knew something  
24   happened. So I'm quite sure Mr. Matthews knew.

25   Q    You don't have any factual basis for that?

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2   A    I never witnessed somebody tell him, and I  
3   never told him myself.

4   Q    How about Eric, head of security; do you  
5   know if he knew about the allegations of the  
6   incident between you and Mr. Cooper?

7   A    I believe he knew.

8   Q    How -- why do you believe that?

9   A    Based on how he was treating me. He was  
10   also hostile towards me and he threatened to  
11   call the police on me. And I never had a  
12   problem with him before. I didn't disrespect  
13   him. I wasn't loud or boisterous towards him.

14   Q    But you never told him?

15   A    Did I ever tell him about the incident?

16   Q    Mm-hmm.

17   A    I never told him about the incident, no.

18   Q    Did you ever witness anyone tell him?

19   A    No.

20   Q    Do you know if O'Neil Young was aware of  
21   the allegations -- strike that.

22                  Do you know if O'Neil Young knows about  
23   the allegations you made concerning you and  
24   Mr. Cooper?

25   A    I don't know.

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2 Q Did you ever tell him?

3 A I never told him.

4 Q Did you ever see anyone tell him?

5 A No, I did not.

6 Q Do you know if Ronald Holly knows about  
7 your allegations regarding Mr. Cooper?

8 A I believe that he did.

9 Q Did you ever tell him?

10 A No, I did not.

11 Q Did you ever witness anyone tell him?

12 A No, I did not.

13 Q Do -- it's only your opinion that you are  
14 basing that belief on?

15 A Not just opinion. The evidence is in the  
16 way they were treating me. They were treating  
17 me in a hostile nature after the incident.

18 Before the incident I didn't have a problem  
19 with any of these gentlemen at all.

20 Q But you don't know for sure if he knew?

21 A I never witnessed it.

22 Q Do you know if Mr. Wiggins knows about the  
23 allegations between and you Mr. Cooper?

24 A I believe so.

25 Q And did you tell him?

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2   A    No, I did not tell him.

3   Q    Did you ever witness anyone tell him?

4   A    No.

5   Q    What do you base the belief on?

6   A    His treatment of me. His hostile behavior  
7   towards me. His, you know, indirect threats of  
8   violence.

9   Q    What's your belief that you alleged that  
10   those threats are based on retaliation?

11   A    Because I did not know the man prior to  
12   this. I never met him. I never seen him  
13   before. There was no reason for him to be  
14   hostile with me.

15   Q    So you didn't interact with Wiggins before  
16   of the incident with Cooper?

17   A    No, I did not.

18   Q    Did you interact with Ronald Holly before  
19   the incident with Mr. Cooper?

20   A    Yes.

21   Q    Did you interact with O'Neil Young before  
22   the incident with Cooper?

23   A    No.

24   Q    Did you interact with Eric before the  
25   incident with Mr. Cooper?

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2   A    Yes.

3   Q    Did you interact with Mr. Matthews before  
4   the incident with Cooper?

5   A    Yes.

6   Q    Did Mr. Stevens know about the allegations  
7   you made against Mr. Cooper?

8   A    I believe so.

9   Q    Did you ever tell him?

10   A   No, I did not.

11   Q   Did you ever see anyone tell him?

12   A   No, I did not.

13   Q   What's the basis of your belief he knew?

14   A   Because he was hostile towards me as well.

15   Q   And you told Mr. Washington about the  
16   incident between you and Mr. Cooper, correct?

17   A   Yeah.

18   Q   What facts do you have to support your  
19   claim that Mr. Washington retaliated against  
20   you based on the fact that you told him about  
21   the incident with Mr. Cooper?

22   A   Like I addressed earlier, I would ask him  
23   for permission to stay out late or to have a  
24   home pass, and he would give me permission.

25   Then when I came back, I was in trouble. And I

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2        was punished for it.

3       Q      How were you punished?

4       A      I told you that earlier. I was made to  
5       sit in a room and wait for hours before I was  
6       able to get in my bed or go to the room.

7                   MR. SEIDENFELD: I think we're going to  
8       finish for today.

9                   MR. BARTOLOMEO: I'd like to at least put  
10      on the record that on behalf of  
11      Defendant Cooper, we are reserving our right to  
12      call the witness back to complete the  
13      deposition, or at least to take the deposition  
14      of the witness pursuant to the federal rules.

15                  MR. SEIDENFELD: And we reserve the right  
16      to bring Mr. Brooks back for the remainder of  
17      the time that we have under the rules.

18                  MR. BARTOLOMEO: And can we just -- can  
19      you just go off the record for a second.

20                  (Discussion off the record.).

21                  MR. SEIDENFELD: The interrogatories that  
22      we introduced today as Exhibit 9 are not  
23      verified. We had asked Mr. Brooks' counsel to  
24      verify them today, and she responded that they  
25      would not able -- that Mr. Brooks would not be

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Q Where did it save the files?

When you took a picture, where was the information of that picture saved?

5 A Yeah, on a memory card.

6 Q And where is that memory card today?

7                    Does your attorney have it?

8 A No.

9 Q Do you still have it?

10 A Yes.

11 Q Are the pictures that you provided to your  
12 attorney and which she's provided to us, excuse  
13 me, not the pictures -- withdrawn.

14                   What did you use that camera for in terms  
15                   of -- related to this litigation?

16 A I used the camera to bluff The Doe Fund  
17 employees into getting a written confession out  
18 of Terry. That's why I used the camera.

19 Q Did you take any pictures, video or audio  
20 recordings with that camera that are related to  
21 this litigation?

22 A No, I did not. I did that with my phone.

Q Where did you get the camera from?

24                   A           I bought it.

25 Q And when did you buy the camera; was it

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discriminated against because of your race.

3                   In what ways do you claim Mr. Cooper  
4 discriminated against you based of your race?

5 A He knew I was in a vulnerable situation,  
6 being homeless, being Black, just coming home  
7 from prison, being on parole, and he took  
8 advantage of that.

9 Q And I asked you in what sense do you  
10 believe you were being discriminated,  
11 specifically by Mr. Cooper, against you, based  
12 on your race; what type of things did he do?

3 MS. O'CONNELL: Objection.

4 A He touched me.

Q Other than the alleged -- the allegations  
that you made with respect to any sort of  
contact that Mr. Cooper, and you had with each  
other, what else, if anything, do you claim  
that he did or said that led you to believe  
that he was discriminating against you based on  
your race?

22 MS. O'CONNELL: Objection.

23 A He tried to use his position to violate  
24 me. He was trying to use, I guess, his  
25 position, his superior position as a means to

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2 get what he wanted.

He knew I needed my schedule changed, so he kind of tried to use that over my head.

5                   MR. BARTOLOMEO: I'm going to move to  
6                   strike the last answer as nonresponsive. And  
7                   I'll ask it again very clearly.

8 Q Mr. Brooks, in what ways do you allege  
9 Mr. Cooper discriminated against you based on  
10 your race?

11                   And I'll just ask that you listen to the  
12                   question and address that question  
13                   specifically.

14 MS. O'CONNELL: Objection.

15 A I believe he did what he did because I was  
16 ^Black.

17 Q And what did you say that he did.

18                   Are you referring to the incident on the  
19                   21st?

20 A Yeah, he used that as an intimidation  
21 tactic.

22 Q That you're Black as an intimidation  
23 tactic?

24 I don't understand. Can you clarify for  
25 us

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2 A He did what he did because I was black, in  
3 a vulnerable situation. And he used everything  
4 that he could to be intimidating.

5 Q Okay. And what facts do you have to  
6 support that Mr. Cooper discriminated against  
7 you based on your race?

8                   A       What facts do I have?

9 Q Yeah.

10                   What facts do you have to support your  
11 allegations that Mr. Cooper discriminated  
12 against you based on your race?

13           A       Well, I got a bunch of recordings and  
14           statements that I made immediately after the  
15           situation, so . . .

16 Q And what -- do you play in the  
17 recordings -- withdrawn.

18 So can you tell us anyone who is a  
19 different race than you that Mr. Cooper treated  
20 more favorably?

21           A       I wasn't around him like that. He was not  
22           my peer. I wasn't around him. I only went to  
23           him when I had to.

24 Q So do you have any understanding that  
25 Mr. Cooper treated anybody more favorably or

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2 less favorably who is not black?

3 A I don't know.

4 Q In what ways do you claim the audio  
5 recordings support your allegation that  
6 Mr. Cooper discriminated against you based on  
7 your race?

8           A       Well, a lot of different people knew  
9           Mr. Cooper's personality, and they described it  
10          on those audio recordings.

1 Q And I'm asking you specifically, you've  
2 made a very severe or significant claim against  
3 my client, Mr. Brooks.

4 And I just want to understand what do you  
5 say supports your allegation that Mr. Cooper  
6 discriminated against you based on your race,  
7 what on those recordings.

8 A I don't remember. I haven't listened to  
9 those audio recordings. I've been trying to  
10 put the audio recordings behind me. I've been  
11 trying not to think about it.

So I don't listen to it.

Q When was the last time you listened to the recordings, Mr. Brooks?

A I don't remember. I don't remember.

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know what facts you have or information you have to support those allegations?

4 MS. O'CONNELL: Objections.

5           A       No. I know that I was touched by a man,  
6           and it was not my will, and I got proof that  
7           he's like that. And I know that people that  
8           was in The Doe Fund also experienced his  
9           behavior, and that's what I recorded, period.

10 Q And you've said now multiple times you  
11 have "proof."

12 I'm just asking you to tell me what that  
13 proof is.

14           A       That proof is that your client,  
15           Mr. Cooper, walked around sexually harassing  
16           people all day. And he was well-known for it.  
17           He did it for many years.

18                   But me, he touched. And other than that,  
19 I don't know what you're asking me for.

20 Q Okay. Earlier today you've testified that  
21 you really didn't spend very much time at all  
22 with Mr. Cooper. And I'm paraphrasing  
23 obviously. But that you really didn't interact  
24 with him and you didn't see him much.

25 Do you recall giving that testimony?

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2 MS. O'CONNELL: Objection.

3           A       I didn't tell you that I didn't see him  
4       much.  I didn't hang out with him.  We wasn't  
5       friends.  We didn't socialize.  When I had to  
6       interact with him, which was very rare, it was  
7       when I needed something.

9           A       When I needed something, that's it. I  
10          would see him around the building every day.  
11          Yes, I seen him around the building every day.  
12          I didn't interact with him every day, though.

13 Q And who do you allege he also sexually  
14 harassed other than yourself?

15 A I don't know who he sexually harass.

16 Q It is correct that you just did say,  
17 Mr. Cooper -- you actually, said, I believe it  
18 was my client, walked around sexually harassing  
19 people all day. And I'm paraphrasing again.

20 A That's what I said.

21 Q And I'm asking you now, since you said  
22 that, who did he sexually harass other than  
23 yourself?

24 A I don't know everybody in The Doe Fund. I  
25 don't know everybody in The Doe Fund by name.

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2 I didn't socialize with everybody in The Doe  
3 Fund.

I wasn't keeping a score of everybody that  
he was sexually harassing. I was not doing  
that. But I heard him speaking to people all  
the time and saying jokes and comments that  
were sexual in nature.

9                   Was I watching who he was talking to, no,  
10                  that's not my type of scene.

11                   But there are people on the recordings  
12                   that have said that he spoke to them in that  
13                   manner as well.

14 It was about six guys at one time that was  
15 like, yeah, he did that to me. Yeah, he did  
16 that to me. Yo, I almost punched Terry in the  
17 face because he said this to me, yeah.

18 Q Were any of those individuals employees of  
19 The Doe Fund?

20 A We all worked for The Doe Fund. We were  
21 on the street crew.

22 O Have you ever heard the term "trainee"?

23 A Yeah, I heard the term "trainee."

24 Q And where did you hear that?

25 A Where did I hear that?

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2 A I didn't meet him until Mr. Cooper was  
3 gone.

5 A I don't know.

6 Q Which gender is Terry; is he a male or  
7 female?

8 MS. O'CONNELL: Objection.

9 Q What is your understanding, Mr. Brooks, of  
10 what Mr. Cooper's gender is?

11 A He ' s a male.

12 Q In what ways do you claim Mr. Cooper  
13 discriminated against you based on your gender?

14 MS. O'CONNELL: Objection.

15 A He was trying to force me to do something  
16 that was against my will.

17 Q When you say that, are you referring to  
18 the allegation you made about the incidents  
19 that occurred?

20 A Yeah, I'm not a homosexual, and he tried  
21 to force me to do a homosexual act.

22 Q In what ways did he try to force you to do  
23 a homosexual act?

24 A By touching me

25 Q Did he ask that you touch him?

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2 A He did not.

3 Q And other than the specific allegations,  
4 are you -- do you have -- withdrawn.

5                   Other than the testimony you just gave, is  
6 there anything else that you claim Mr. Cooper  
7 did that discriminated against you based on  
8 your gender?

9 MS. O'CONNELL: Objection.

A I don't remember

Q You can't remember what?

<sup>2</sup> A I can't remember if he did something else.

Q      Sitting here today, do you have any proof  
of any other things Mr. Cooper did or you  
allege Mr. Cooper did that discriminated  
against you based on your gender?

17 MS. O'CONNELL: Objection.

.8 A I can't remember.

Q And I think this is probably a good time  
to mark as an exhibit -- I believe we're at 10.  
I'm going to pass to you, in a moment, a copy  
of what's been marked -- will be marked, as  
Exhibit 10 for identification.

24 It's a copy of the responses and  
25 objections to defendant's first set of

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2 Page 11.

3                   Do you see that question and response  
4                   there?

5                   Do you see the question and answer as  
6                   titled "Interrogatory No. 9"?

7 Yes or no.

8                   A        Yeah, I can see it.

9 Q And the question reads: Identify each  
10 person -- and I'm paraphrasing again -- who you  
11 claimed discriminated against you based upon  
12 your race and/or status of being previously  
13 convicted. And identify each document which  
14 relates to supports or refutes this allegation.

15 In response, your response indicates that  
16 (As read): "Plaintiff states in addition to  
17 each person listed in Rule 26(a) Disclosures,  
18 you also add Doe Fund House Manager Stevens."

19 I'm going to ask you, other than the  
20 claims you made against Mr. Cooper, and how he  
21 alleged discriminated against you based on your  
22 race, in what ways did Mr. Washington, or do  
23 you claim Mr. Washington discriminated against  
24 you based on our race?

25 A Because I feel like Mr. Washington, as

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well as others, would not have treated me in  
the same regard had I been of another race.

4 Q In what way do you claim that Mr. Stevens  
5 discriminated against you based on our race?

6 A For the same reason.

7 Q And I believe you just said that they  
8 wouldn't have treated you the same way, if you  
9 were from another race?

10 A Yes.

11 Q In what way did they treat you?

12           A       They were hostile towards me, and they  
13           were doing things to try to get me kicked out  
14           of my shelter situation.

15 Q And you're claiming those things  
16 occurred -- withdrawn.

17                   Are you claiming those things occurred  
18                   before or after the alleged incident with  
19                   Mr. Cooper?

20 A Yeah, it happened after I made the  
21 complaint about what Mr. Cooper did.

22 Q In what ways do you claim  
23 Mr. Paul Washington discriminated against you  
24 based on your race?

25 A Paul Washington never discriminated

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2 Q And I understand that, Mr. Brooks.

3                   And I'm asking you, are claiming that  
4       Mr. Paul Washington discriminated against you  
5       in any way?

6 A No.

7 Q You see Ms. Gilmore is here, correct?

8 A Yeah.

9 Q Okay. In what ways did Ms. Gilmore  
10 discriminate against you based on your race?

11 MS. O'CONNELL: Objection.

Q Do you remember the question?

13 A I can't remember the interaction I had  
14 with Ms. Gilmore.

15 Q What facts do you have to support your  
16 allegations that Ms. Gilmore discriminated  
17 against you based on our race?

18 MS. O'CONNELL: Objection.

19 A I have no recollection of our interaction  
20 at all.

21 Q That wasn't my question.

22 My question is: What facts do you have to  
23 support your allegation that Ms. Gilmore  
24 discriminated against you based on your race?

25 A I don't know I. Don't remember.

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2 Q You don't remember how she discriminated  
3 against against you, correct?

4 A I don't remember.

5 Q Do you remember any way in which you  
6 allege -- withdrawn.

7                   What facts do you have to support any of  
8                   the allegations that you've made that  
9                   Ms. Gilmore discriminated against you?

MS. O'CONNELL: Objection.

.1 A I don't recall.

Q      Do you have any understanding of how she  
discriminated against you based on your gender?

.4 A I don't recall.

5 O And what about your conviction status?

6 A I don't recall.

7 Q Your ethnicity?

-8 A I don't recall.

<sup>9</sup> MS. O'CONNELL: Objection.

Q        What's Ms. Gilmore's race, to the best of  
your understanding?

22 A T don't know.

Q You can see her sitting here today?

24 A Y es

Q And what's your understanding of what her

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2 race she?

3 A I don't know.

4 MS. O'CONNELL: Objection.

5 A I don't know.

6 Q You've named a number of other individuals  
7 that you claimed discriminated against you  
8 based on your race -- excuse me, based on your  
9 gender.

10 Mr. Wiggins, how did he discriminate  
11 against you based on your gender?

12 MS. O'CONNELL: Objection.

13 A I don't recall.

14 Q And Mr. Porter, how did he discriminate  
15 against you based on your gender?

16 MS. O'CONNELL: Objection.

17 A I don't recall.

18                           MR. BARTOLOMEO: And, Counsel, what are  
19                           your objections for?

20 MS. O'CONNELL: My client can't testify  
21 to legal opinions. You're asking for the  
22 reasons why he was subject to discrimination.

23 MR. BARTOLOMEO: In what way is asking him  
24 about allegations that he's made about being  
25 discriminated against, in what way does that

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2 call for a legal opinion?

3                   MS. O'CONNELL: Because he may not  
4 completely understand every legal aspect of  
5 discrimination, why that would be.

6                   MR. BARTOLOMEO: And I'm not asking him to  
7 write a brief. I'm asking him what is his  
8 basis of understanding that he believes he was  
9 discriminated against.

10 MS. O'CONNELL: We're just preserving our  
11 objections for the record.

12 MR. BARTOLOMEO: Okay.

13 BY MR. BARTOLOMEO:

14 Q In what way do you believe you were  
15 treated differently by Mr. Wiggins based upon  
16 your gender?

17           A       Well, because I made a complaint about a  
18           sexual assault, I believe I was treated  
19           differently.

20 Q And you based that on the fact that --  
21 you're saying that he treated you differently  
22 because of the complaint

23 Is there anything having to do with your  
24 gender that you believed Mr. Wiggins treated  
25 you differently?

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2 A Well, I was assaulted because of my  
3 gender. I was assaulted because of my gender.

4 I was assaulted verbally and physically because  
5 of my gender.

6 I was told that -- I like to be chained  
7 down, whipped and things like that by your  
8 client, Mr. Cooper, and that was because of my  
9 gender.

10 And after I wrote, informing The Doe Fund  
11 of what had transpired between me and your  
12 client, they decided to retaliate against me.

13           And Mr. Wiggins was one of those people, as  
14           well as Mr. Stevens, as well as  
15           Mr. James Washington, as well as  
16           Timothy Matthews, as well as Eric.

## 17 Q As well as who?

18 A Eric.

## 19 O Who ' s Eric?

20 A Eric was the head security guard at the  
21 facility.

22                   And all this transpired because of my  
23 gender.

24 Q So other than the allegations of being  
25 treated differently after you made the

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2 complaint about the alleged incident on the  
3 21st, was there anything that you believed  
4 Mr. Wiggins did to treat you differently  
5 because of your gender?

6 A You said other than the incident?

7 Q Yeah.

8 You just said, and you've testified a  
9 number of times that things changed and people  
0 treated you differently after you made this  
1 complaint; is that correct?

.2 A That's correct.

Q I'm asking, was there anything else, other than those circumstances that you described, that you believe Mr. Wiggins did on the basis of your gender; in what ways did he treat you differently based on your gender?

8           A       Well, what he did is, he started pulling  
9           me off the buses and started screwing around  
20          with my work situation.

21 O This was after you made the complaint?

A This is after I made the complaint.

23 Q Before you made the complaint --

24 A Before I made the complaint I never met  
25 the man.

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2 Q And Mr. Wiggins, he's a man; is that  
3 correct?

4 A Yeah.

5 Q And is it your testimony that Mr. Wiggins  
6 treated you differently because you're a man?

7           A       Not only because I'm a man, because of the  
8 whole situation.

9 Q And, again, I'm asking you a very specific  
10 question. I believe it calls for a yes-or-no  
11 answer. To the extent you need to explain  
12 more, that's fine.

13                   But I'm asking you: Do you believe  
14                   Mr. Wiggins treated you differently because you  
15                   were a man?

16 A Yes.

17 Q And other than what you've already  
18 testified to, in what other ways did he do  
19 that?

20 A Well, he was making threats.

21 Q And what kind of threats did Mr. Wiggins  
22 make?

23           A       Well, he was making direct threats. He  
24           was telling me about how bad he is on the  
25           street. How he kick ass in The Doe Fund and

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2 out of The Doe Fund, from the west side of  
3 Harlem to the east side of Harlem. I happen to  
4 be from Harlem.

5 Q And why did you perceive those as threats?

6 A Because he was saying it directly to me.

7 Q Was anybody else standing with you?

8                   A       Was there --

9 A Anybody else present?

10 MS. O'CONNELL: Objection.

11 A I don't recall.

12 A Somebody else was in the room, but I don't  
13 recall who it was.

14                   This is when I was trying to get my  
15 schedule. And I was told that I had to see  
16 Mr. Wiggins for my schedule. And this is when  
17 I went into the room, he started telling me  
18 things and making threats. I don't remember  
19 everything that he said, but he made -- well,  
20 he was saying I was fucking up. And that's  
21 when all the threats and stuff came in.

22 Q Mr. Porter -- withdrawn.

23 Is there anything other than just your  
24 personal opinion that gives you the reason to  
25 believe that Mr. Wiggins treated you

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2 differently because of your gender?

3 A I don't recall.

4 Q Isn't it true that there were no females  
5 that were treated better than you by  
6 Mr. Wiggins?

7 A I don't recall. It was a male facility.

It was very few females around.

9           Q       So when you say "male  
10              facility" -- withdrawn.

11                   Other than Ms. Gilmore, how many other  
12 females -- withdrawn.

13                           At your particular facility, how many  
14 females were there?

15           A       I don't really recall. I know I seen  
16           around, maybe three. I don't recall. And they  
17           were workers and they were in and out. They  
18           had offices and whatever.

19 Q When you say "workers," that means they  
20 weren't clients of The Doe Fund, they weren't  
21 residents; Is that correct?

22 A No, they weren't residents.

23 Q Were any of the residents female?

24 A None of the residents were females.

25                   O     And, you know, Mr. Porter, you've also

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2 claimed that he discriminated against you -- he  
3 also treated you differently based on your  
4 gender.

5                   In what ways, other than what you told us  
6 about today already, with respect to the things  
7 that happened after the incident, in what ways  
8 do you claim Mr. Porter treated you differently  
9 based on your gender?

MS. O'CONNELL: Objection.

.1 A I don't recall.

2 MR. BARTOLOMEO: Off the record.

.3 (Recess taken.)

.4 BY MR. BARTOLOMEO:

Q You claimed that Hanson discriminated against you based on your race; is that correct?

.8 A I don't recall.

9 Q You don't recall whether or not you  
10 brought a claim against Mr. Hanson for  
11 discriminating against you based on your race?

22 A Yeah, I don't recall.

23 MS. O'CONNELL: Ms. Hanson.

24 A I don't recall.

25 Q What facts do you have to support that

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2           Ms. Hanson discriminated against you based on  
3           your race?

4 MS. O'CONNELL: Objection.

5 A I don't recall.

6 Q And what facts do you have to support that  
7 Ms. Hanson treated you differently because of  
8 your race?

9 A I don't recall.

10 Q Isn't it true your only basis is your  
11 opinion?

12 MS. O'CONNELL: Objection.

13 A I don't believe so.

14 O Excuse me?

15 A I don't believe so.

16 Q You don't believe what?

17 A That's my only basis is my opinion. I  
18 have several recordings and facts.

19 Q Okay. So I just asked you what facts do  
20 you have to support that Ms. Hanson  
21 discriminated against you based on your race?

22 A I don't recall everything that's in those  
23 recordings

24 Q I'm not asking you to recall everything,  
25 Mr. Brooks

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I'm asking you what, to the best of your knowledge, sitting here today, what facts do you have to support that Ms. Hanson treated you differently because of your race?

MS. O'CONNELL: Objection.

A I don't recall.

Q Isn't it true that Ms. Hanson did not treat females better than you?

A I don't know.

Q You don't know?

A No.

Q I'm sorry, could you speak up?

A No.

Q And Mr. Porter, what facts do you have to support that Mr. Porter treated you differently based on your race?

MS. O'CONNELL: Objection.

A I don't recall.

Q Is there any other basis for your allegation that Mr. Porter treated you differently based on your race other than your opinion?

Mr. Brooks?

A        Yeah, I don't recall.

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2 Q What is the -- what facts do you have to  
3 support that Mr. Bell treated you differently  
4 based on your race?

5 MS. O'CONNELL: Objection.

6 Q Mr. Brooks, are you awake?

7                   A         I am awake.

8 Q Because your eyes are closed, that's why  
9 I'm asking.

A      Yeah, I'm starting to get a headache.

Q Why don't we take a moment.

A I don't need a moment. Let's get to it.

Q So I just ask, if you could, to the best  
of your knowledge, tell me what facts you have  
to support that Mr. Bell treated you  
differently because of your race?

A Well, I don't recall, but I do remember,  
Mr. Bell writing me up for no call no show, and  
it wasn't correct.

20 So I felt that that was wrong. I didn't  
21 feel he would do that in a situation where I  
22 was different, from another race or not being  
23 in a shelter and having financial problems at  
24 the time, so . . .

Q And what race is Mr. Bell?

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2                   Mr. Porter, in what ways did Mr. Porter  
3 treat you differently based on your gender?

4 A I don't recall that.

5 Q And when I say, "Mr. Porter," is that  
6 correct that he's a male?

It's a yes-or-no question, Mr. Brooks.

8 A Yes.

9 Q And Ms. Gilmore, is Ms. Gilmore a male or  
10 female?

11 A Female.

12 Q And Ms. Hanson is also female; is that  
13 correct?

14           A        I'm assuming so. Being that you're saying  
15           "Ms. "

16 Q Okay. Well, you are the one that met  
17 Ms. Hanson

18                   What is your understanding of whether  
19                   she's male or female?

20 A Ms. Hanson I'm assuming is a female

Q I don't want you to assume. I'm just  
asking you to the best of your knowledge?

23 ΛΕΥΚΟΒΙΑΣ

24 Q In what ways did Ms. Hanson treat you  
25 differently based upon your gender?

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2 A I don't recall.

3 Q And Mr. Holly, is that a male as well?

4                    A                    Yes .

5 Q And in what ways did Mr. Holly treat you  
6 differently based on your gender?

7 A I can't recall.

8 Q Mr. Bell is also a male, correct?

9 A Yes.

10 Q And Mr. Bell, in what ways did he treat  
11 you differently based upon your gender?

12 A I can't recall.

13 Q Mr. Stevens, in what ways did Mr. Stevens  
14 treat you differently based upon your gender?

15 A Mr. Stevens was harassing me. Ringing the  
16 keys and banging on the door when I was  
17 sleeping.

18                   And his ^anonymity for me spawned out of  
19                   the fact that I wrote a sexual harassment  
20                   report on his coworker.

21 Q What part of what you just told us was  
22 because you -- what part of what you just  
23 testified to do you allege Mr. Stevens did  
24 because of your gender?

25 A It was based on my gender. I was

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assaulted because of my gender.

3 Q I understand the allegations that you've  
4 made against Mr. Cooper.

5                   What I'm saying right now, Mr. Stevens,  
6 what did he do to treat you differently because  
7 of your gender?

8           A       I just told you earlier that he was  
9           banging on my door and keeping me awake when I  
10          needed to be sleep for work.

11 Q Did you ever see him do that with anybody  
12 else?

13 A No, he did not.

Q      What time did he bang on your door?

15 A Every morning.

16 Q At what time?

17 A Around seven o'clock, something like that.

18 Q Isn't it true that The Doe Fund, the  
19 residence requires you -- has a curfew at a  
20 certain hour and wake up at a certain time?

21           A        Yeah. That's for people that don't  
22           have -- I have last passes. I worked  
23           overnight. And so I'm able to stay in and  
24           sleep, and you knew that. He was aware of  
25           that. All the staff knew that.

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I work overnight. I get in around  
two o'clock in the morning. Take a shower.

4 I'm in bed around 3:00. He comes banging on  
5 the door at 7:00, you know, and jingling his  
6 keys to keep me awake. So I would usually have  
7 to leave the facility because I couldn't sleep,  
8 with him coming back and forth.

9                   And I'd be tried while I was on -- at  
10                  work. And I had a job that was dangerous. I  
11                  was driving a forklift. Sometimes I was  
12                  falling asleep on the forklift.

13 Q Is there -- is it your testimony that  
14 there's an exception to the rule that everybody  
15 must be up at 7:00 a.m. when you worked late in  
16 the night?

17 A There's an exception to the rule?

That is the policy, when you would have a late night pass, you get to sleep in. When you have a late night job, you get to sleep in.

21 And that's in every shelter.

22                   Q       And Mr. Stevens, that's a male, correct?

23 A Yes, he is.

24 Q And is he, Mr. Stevens, is it your  
25 understanding -- withdrawn.

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2                   Do you have an understanding of what  
3                   Mr. Stevens' job was?

4 A House manager.

5 Q And house manager, is it part of their job  
6 to wake everybody up?

7           A       I don't know. I don't know his job  
8           description.

9 Q And did you have roommates at the time, at  
0 the time you claim Mr. Stevens was banging on  
1 the door and jingling key?

-2 A Yes.

Q Did those roommates all have the ability  
to sleep in, as you're describing?

.5 A I don't know.

6 O Did you talk to your roommates at all?

A Very rarely.

8 O Were they the same individuals?

<sup>9</sup> A Not all the time.

21 A T don't know

Q How long did you share a room with these individuals?

24 A I don't remember

8 You also make allegations in this case.

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2 · that based upon your conviction status that you  
3 were treated differently.

4 You've also made allegations that based  
5 upon your conviction status, people treated you  
6 less favorable; is that correct?

7 A I believe so.

8 Q In what ways did Mr. Cooper treat you less  
9 favorably based on your conviction status?

10 A By assaulting me.

11 Q Other than what you claim was an assault,  
12 Mr. Brooks, is there anything else that you  
13 claim Mr. Cooper did to treat you differently  
14 because of your conviction status?

15 A By talking to me in a sexual manner.

16                   O     And are these the same -- withdrawn.

17                   Are these the same comments you told us  
18                   about today and last week?

19 A I believe I wrote it in my complaint.

Q I understand.

21                   But I'm asking with respect to the  
22 deposition testimony you gave, is there  
23 anything else in addition to what you already  
24 told us that you believe Mr. Cooper said, and  
25 he did so based upon your conviction status?

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2 MS. O'CONNELL: Objection.

3 A I don't recall.

4 Q Are you aware of whether -- withdrawn.

5                   Do you know if Mr. Cooper has ever been  
6                   convicted of a crime?

7                   A         No, I don't.

8 Q Can you tell me anyone who you believe  
9 Mr. Cooper treated differently than you  
-0 because -- withdrawn.

1 Can you tell me anyone that Mr. Cooper  
2 treated more favorably than you because they  
3 had a different conviction status?

-4 A I don't know.

5 Q Mr. James Washington, how did --

-6           Mr. James Washington, what facts do you have to  
-7       support that Mr. James Washington treated you  
-8       differently based upon your conviction status?

19           A       Because I came to him with an issue, and  
20                   he didn't uphold me. He actually did things  
21                   that made my situation worse

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2 Q Are you saying as a result of you being  
3 convicted of a crime you were forced to be  
4 under his care?

5 A That's not what I said.

6 Q Okay. So explain to me what you said,  
7 then, because I didn't understand?

A I said he was a director and I went to him  
with an issue. That issue got blown up.  
People found out about it that wasn't supposed  
to know about it. And then I was treated  
harshly in his facility that he was head of.  
And I went to tell and told him about that as  
well, and it never stopped.

Q When you said there was an issue, what issue was that?

A The issue of Mr. Cooper touching me and sexually harassing me. The issue of me being pulled over -- pulled out of buses when I was on my way to work. The issues with me being, you know, waken up while I was resting for work. I went to him with several issues; issues of me getting a pass and then coming in and having to sit in a room for hours, not being able to go to my bed. When I got direct

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2 permission from Mr. Washington himself. It's  
3 issues like that that I felt I was being  
4 targeted because of my conviction. And not  
5 only just because of my conviction, because I  
6 wrote a statement against a fellow coworker of  
7 his.

Q Other than what you already told me, is there anything else that you say that supports your claim that Mr. Washington treated you differently because of your conviction status?

A Not that I could recall.

Q        And Mr. Wiggins, you've also claimed he treated you differently based on your conviction status.

What facts do you have to support that complaint?

A Because I was convicted, I guess he felt like he could speak to me in a hostile manner. And he also was responsible for pulling me off of the buses when I was going to work. He was responsible for not -- for me not receiving a copy of my schedule. He was responsible for making all these decisions that went against me, and he used other workers to do so.

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2                   For example, I was getting on the bus.  
3                   I'm on the bus. I'm waiting to go out to my  
4                   work site. I'm there. I'm on time, and  
5                   another guy get a call and come to the bus and  
6                   say, Is Brooks in here? The supervisor said,  
7                   Yeah. I'm like, Yeah, I'm right here. They  
8                   like, Brooks, come off the bus.

I later found out that it was because of Mr. Wiggins. Mr. Wiggins specifically called somebody because he wasn't even on the site. He called somebody, told them to pull me off the bus so I wouldn't go to work, and had me standing on the corner for a while before -- before anything happened with me, so . . .

16 Q Do you know if Mr. Washington's ever been  
17 convicted of a crime?

18 A T don't know.

19 Q Do you know if Mr. Wiggins has ever been  
20 convicted of a crime?

21 A T don't know

22 Q Do you know if Mr. Porter's ever been  
23 convicted of a crime?

24 A T don't know

Q. Do you know if Ms. Gilmore has ever been

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2                    convicted of a crime?

3 A I don't know.

4 Q Do you know if Ms. Hansen's ever been  
5 convicted of a crime?

6 A I don't know.

7 Q Do you know if Mr. Holly has ever been  
8 convicted of a crime?

9 A I don't know.

10 Q Do you know if Mr. Bell has ever been  
11 convicted of a crime?

12 A I think he might have said that he was,  
13 but I don't remember

14 Q And Mr. Stevens, do you know whether  
15 Mr. Stevens has ever been convicted of a crime?

16                   λ           τ don't know

17 Q And with respect to Mr. Porter, what facts  
18 do you have to support your claim that  
19 Mr. Porter treated you differently because of  
20 your conviction status?

21 A T don't recall

22 Q And Ms. Gilmore, what facts do you have to  
23 support that Ms. Gilmore treated you  
24 differently based upon your conviction status?

25 A I don't recall.

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2 Q And Ms. Hanson, what facts do you have to  
3 support that Ms. Hanson treated you differently  
4 because of been your conviction status?

5 A I don't recall.

6 Q And Mr. Holly, what facts do you have to  
7 support your claim that Mr. Holly treated you  
8 differently based upon your conviction status?

9 A I don't recall.

10 Q Mr. Bell, what facts do you have to  
11 support that Mr. Bell treated you differently  
12 based upon your conviction status?

13 A I don't recall.

14 Q And Mr. Stevens, what facts do you have to  
15 support that Mr. Stevens treated you  
16 differently based upon your conviction status?

17 A T don't recall.

18 Q What residents at the Gate Avenue facility  
19 were treated better than you and did not have a  
20 conviction history?

21 MS. O'CONNELL: Objection.

22           A       I don't know what other residents were  
23                    doing or their interaction with the status, I  
24                    don't know.

25 O So do you have any basis to claim that the

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individuals that you've named or stated treated you differently because of your conviction status, do you have any basis to claim that they treated other residents who were not convicted of a crime differently?

A All I know is how they treated me.

Q       Are there other residents at the Gates Avenue facility that have been convicted of crimes?

A I don't know.

Q Isn't it true that The Doe Fund's purpose is to help formally incarcerated individuals to achieve self-sufficiency?

A That's what I believed when I came there.

Q Have you ever been convicted of a civil assault, other than what you've already testified to today?

A No.

O Do you know what a civil assault is?

A        No, but I've never been convicted of an assault, period, so . . .

Q You've brought allegations, or part of your complaint alleges that Mr. Cooper committed an assault on you; is that right?

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Brooks

2                   Do you allege that anyone else at The Doe  
3 Fund committed an assault against you other  
4 than Mr. Cooper?

5 A Not physical.

6 MS. O'CONNELL: Could we go off the record  
7 for a second.

8 (Recess taken.)

20 MS. O'CONNELL: Yes, counsel is  
21 stipulating to that.

22 BY MR. BARTOLOMEO:

23 Q I'm going to turn your attention back to  
24 what's been marked as Plaintiff's Exhibit 3 for  
25 identification.

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again, to try to deal with or abate the depression. And that caused a problem with my parole.

I came home and I was on Level 4. Level 4  
is the best level you could be on. You only  
have to see parole once every four months. And  
that was because of my behavior while I was  
incarcerated. It was exemplary.

10 I ran the drug programs while I was  
11 incarcerated. I did the alternative to  
12 violence programs. I advocated, and I was the  
13 one that was in control of running the groups.

14 So when I came home and this happened to  
15 me, I picked up again. I relapsed.

16                   Bad on me, hurt me, but it also hurt me as  
17                   far as parole was concerned because now I got  
18                   dropped from Level 4 to Level 1.

Q What is Level 1?

20 A Level 1 means that instead of going to see  
21 my parole officer once every four months, so  
22 that would be three times a year. I had to go  
23 see him every week, again.

24 Q Is there a level where you have to see a  
25 parole officer every two weeks?

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2 A Yeah, that's Level 2.

3                   And eventually I got put into Level 2  
4                   where I went to go see them every two weeks.

5 But after the incident, it became every week.

Now, it was every two weeks. I'm currently still on Level 2.

8           Q        Okay. Why did you get dropped to Level 2  
9                   from Level 4?

10 A Because of drug use and because I got  
11 kicked out of The Doe Fund. They kicked me  
12 out. They did their best to kick me out.  
13 Wicked people.

14                   They kicked me out of The Doe Fund, so I  
15                   was homeless. Slept with a friend, at a  
16                   friend's until my apartment thing kicked in.

17                   My parole officer came to see me at The  
18                   Doe Fund. I was no longer there. So he was  
19                   about to put out a warrant for my arrest,  
20                   saying that I had ran away from parole, so to  
21                   speak.

22 And so that caused me stress. I had to go  
23 to another drug program and do another drug  
24 program, which was about eight months, and to  
25 deal with my relapse problem that occurred

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2 behind the stress that I was dealing with at  
3 The Doe Fund from what happened with  
4 Mr. Cooper.

5 Q Just --

6           A       Also, me and my wife, our sexual  
7           interaction is not what it used to be. I don't  
8           feel like touching her often.

9                   And so it made my situation with my wife  
0 worse. She started to feel like I didn't want,  
1 I wasn't attracted to her anymore.

Q We are far afield from what the original question was.

The original question was that to support your claim what -- you know, what things were done that caused you this emotional distress. I think you've now answered that. I just want to ask you, Mr. Brooks, you know, as far as your level, your parole level.

20 Your status, if I understand you  
21 correctly, you were on Level 4 when you were  
22 released from incarceration; is that right?

23 A Yes.

24 Q And were you on Level 4 at the time you  
25 entered The Doe Fund?

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1 Brooks

2 Q What was that person's name?

3 A I don't know.

4 Q How long after the incident did this  
5 individual -- like how many days after this  
6 incident or the alleged incident with  
7 Mr. Cooper, how many days after did this person  
8 tell you that he believed Terry got fired  
9 because he was accused of touching somebody?

A I don't know. I don't remember.

Q How did that person -- withdrawn.

-2 Did that person tell you anything else,  
-3 other than he believed that Terry had been  
-4 fired for touching somebody?

-5           A       No. What he said -- he said that he  
-6           believes that Terry got fired because he  
-7           touched somebody. He said he don't know if it  
-8           was because he touched somebody or because he  
-9           was stealing from The Doe Fund. Because he  
-10          said that Terry was stealing that -- it's been  
-11          accused that Terry was stealing, so, outside of  
-12          everything.

Q So he gave you two possible explanations  
for why Mr. Cooper was fired?

25 A Yes.

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1 Brooks

2 (Tape playing.)

3 BY MR. BARTOLOMEO:

4 Q Was that you and Mr. Washington on that  
5 tape, Mr. Brooks?

6 A Yes.

7 Q Was anybody else on that tape?

8 A No.

9 Q There came a point where you said -- you  
0 stated on that audio clip that the "route  
1 situation had been kind of simmering down."

.2                   What did you mean by that?

A I meant behind the last couple of days, I  
wasn't having issues.

5 Q So your route situation had basically been  
6 resolved; is that correct?

-7           A       Not resolved. I was just saying they  
-8           didn't bother me for the last couple of days.

Q You said something about a Breathalyzer on  
that tape also.

Do you remember that?

22 A Yes.

Q Isn't it true that you say here that the issue with the Breathalyzer was just an error with the machine?

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Brooks

2 A Yeah.

3 Q And the security guard said that you we're  
4 okay to go?

5 A Yeah.

6 Q And Mr. Matthews also said you were okay  
7 to go, correct?

8           A        Yeah, that's after he brought me down into  
9                   his office.

10 Q Who brought you down into his office?

11 A Mr. Matthews.

12                   He brought me down in the office and asked  
13                   me, What, is there a problem I don't want to do  
14                   the program. And I found that to be strange  
15                   for him to say that.

16                   What does me blowing in a Breathalyzer  
17                   have to do with me not wanting to do the  
18                   program anymore?

19 Q Wasn't one of the conditions of you being  
20 in the program that you comply with the rules  
21 of the program?

22           A        Absolutely. And I was complying to the  
23           rules of the program. That's why it didn't  
24           make sense to me for him to say that.

Q So maybe I'm unclear.

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Brooks

Is it permitted for a participant in the program to refuse a drug test?

4 A As you heard on the tape that -- number  
5 one, that wasn't a drug test; it was a  
6 Breathalyzer.

7 Q I'm just asking as a general matter, is it  
8 permitted for a participant in the program to  
9 refuse a drug test?

10 A I don't know.

11 Q With respect to -- the same question  
12 regarding an alcohol test or a Breathalyzer, is  
13 it permitted for a participant in the program  
14 to refuse an alcohol or a Breathalyzer test.

15           A       I don't know if it's permitted to refuse a  
16           alcohol/Breathalyzer test in the program.

17                   But I know that I was not refusing. I  
18       blew into that Breathalyzer a few times. And  
19       he just assumed I didn't want to do the  
20       program. And I blew in it and I waited. And I  
21       sat there and waited for him to try to fix  
22       their machine so I can do it again for them.

Because they came upstairs and got me so I  
can do it again; even though I blew on it a  
couple of times with the staff.

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Brooks

2 And another staff -- what I mean by  
3 "staff" is security. Another security, like I  
4 said in the tape, had blew on it and it came up  
5 the same way. He knew he wasn't drinking  
6 either, and knew it was something wrong with  
7 their machine.

8 Q I'm going to now play for you, on same  
9 exhibit, Exhibit 12, I believe it is, another  
10 clip.

## 1 (Tape Playing.)

2 Q It's true that you asked Mr. Washington  
3 who else knows during that audio clip; is that  
4 correct?

.5 A Yes.

Q And isn't it true that you don't know if anyone outside those involved in the investigation knew about the complaint that you made about Mr. Cooper?

A Say that again.

Q Isn't it true you don't know if anyone outside of those involved in the investigation knew about the complaint and allegations you brought against Mr. Cooper?

A I don't know how other people found out.

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1 Brooks

not to report to work while the matter was  
being investigated?

4 A Yes.

8 Q And now I'm going to play you something  
9 from the audio clips. This is also -- this is  
10 an audio clip. We're going to mark for  
11 identification as Plaintiff's Exhibit 14. It's  
12 titled "Washington on Vernon." We're going to  
13 play the segment between two minutes to 50  
14 seconds to five minutes and 59 seconds. The  
15 audio clip indicates that it was last modified  
16 on July 22, 2016.

17 (Tape playing.)

18 BY MR. BARTOLOMEO:

19 Q Mr. Brooks, you've now listened to that  
20 audio clip, which we've marked for  
21 identification as Plaintiff's Exhibit 14.

22 Is that a conversation you had with  
23 Mr. Washington?

24 A Yes, it is.

Q And how long after the alleged incident

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1 Brooks

2 with Mr. Cooper did that conversation happen;  
3 was it the next day, next week, something other  
4 than that?

5 A I don't remember.

Q If I indicated to you now that the --  
excuse me, that the date on the audio file says  
it was last modified on July 22, 2016, does  
that refresh your recollection as to what date  
that conversation took place?

11 A No, I don't remember.

12 Q What date did you file your complaint  
13 against -- excuse me. Withdrawn.

14                   What date do you allege the incident with  
15                   Mr. Cooper occurred?

16 A I don't -- I told you I don't remember  
17 dates at all, so -- but I do know that when I  
18 wrote the complaint, I had the date on that  
19 complaint.

20 Q All right. On the complaint, I believe  
21 what we've referred to is Plaintiff's Exhibit  
22 Exhibit 8. I've now placed that before you.

23                   Mr. Brooks, if you would please pick you  
24 head up, look at it. And tell me if there's a  
25 date on there that would refresh your

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Brooks

2           recollection as to when the incident you allege  
3           occurred with Mr. Cooper.

4 A 7/21/2016.

5 Q Now, if I told you that this audio clip  
6 last modified or bears a stamp, a time and date  
7 stamp of 7/22 of 2016, would that be the day  
8 after the alleged incident with Mr. Cooper?

9 Yes or no?

10 A Yes.

11 Q And would this make sense that this  
12 conversation was held -- withdrawn.

13                   Was this conversation held with  
14                   Mr. Washington right after he received and  
15                   reviewed your complaint?

16           A       Yes, it was after. It was after me making  
17           the complaint.

18 Q And he also told you that he had sent the  
19 complaint over to HR; is that correct?

20 A Yes.

21 Q And he also told you that Mr. Cooper would  
22 not returned to Gates Avenue facility until the  
23 matter was resolved, correct?

24 A Yes.

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Brooks

2 conversation, you and Mr. Washington discussed  
3 your schedule; is that correct?

4 A Yes.

5 Q And that was the same day that he had  
6 received your complaint; is that correct?

7                   A       I believe so.

8 Q Do you have any reason not to believe so?

9 A I believe so.

10 Q I'm asking you -- withdrawn.

11                   Isn't it true that Mr. Washington called  
12                   Mr. Bell on the telephone to assist with your  
13                   schedule?

14 A To assist?

15 Sounds to me he was calling for  
16 information.

17 Q I think that's just a matter of, what we  
18 would say, semantics.

What is your understanding of why

20 Mr. Washington was calling Mr. Bell on the  
21 telephone that day?

22 A To get accurate information. We didn't  
23 know where Vernon was. He didn't know -- I  
24 said Queens. He said Vernon. I didn't know  
25 what he was talking about when he was saying

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Brooks

2 Vernon. And so he obviously didn't know  
3 either, so he called Mr. Bell to find out.

4 Q So they are doing this in attempt to help  
5 you out with your schedule; is that right, give  
6 you information, provide you information to  
7 help out with your schedule, correct?

8           A       I can't say I know what was his reason for  
9           doing that. You got to ask him that.

10 Q Is it your understanding that they were  
11 trying to assist you with your scheduling?

12 A No.

13 Q Then what were they doing?

14           A       He was getting information. He was trying  
15           to find out where I was going to be available  
16           to speak with HR.

17 Q You were able to get that information on  
18 your own?

19           A     Clearly I wasn't because I went in there  
20                   to speak to him about it.

21 Q Okay. And so if you asked somebody to  
22 assist you, you asked -- isn't it true you  
23 asked Mr. Washington to assist you with getting  
24 information about your schedule?

25 A I didn't ask Mr. Washington to assist me.

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1 Brooks

2           the work assignment, on that Monday so you  
3       could be interviewed in connection with your  
4       complaint.

5 Is that a yes or no?

6 A I don't know.

7 Q You don't know if Mr. Washington assisted  
8 you with changing your schedule so that you  
9 could be interviewed on that Monday?

10 A I don't know.

11 Q Were you interviewed in connection with  
12 your complaint?

13 A Yes.

14 Q Who was present?

15 A Two women and Mr. Washington.

Q      What day of the week was it?

17 A I don't remember.

18 Q Were you supposed to work that day?

19 A I believe so.

20 Q Did you work on that day?

21 A I can't remember.

22 Q I'm going to ask now for another clip,  
23 which is titled "Playing with schedule,  
24 Ronald Holly." We're going to mark this for  
25 identification as Plaintiff's Exhibit 15. The

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1 Brooks  
2 clip "Playing with Schedule, Ronald Holly," it  
3 is -- we're going to play 0 through 1 minute 30  
4 seconds, and it does not bear a time or date  
5 stamp. So we're going to go without further  
6 ado, playing the chip.

(Deposition Exhibit 15, File Entitled  
Playing with Schedule, Ronald Holly," marked  
for identification as of this date.)

(Tape Playing.)

Q      Mr. Brooks?

A Yes.

Q You were able to listen to that, correct?

A Yeah.

Q So is that correct that that was a conversation with Mr. Holly?

A Yes.

Q And Holly says today is the 29th.

He's referring to July 29th, correct?

A Yes.

Q        And then Holly also told you that your schedule is fixed and you didn't have to work weekends; is that correct?

A That's what he said.

Q Was is correct, though, what he said?

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1 Brooks

2 A No. I end up having problems later on  
3 with Mr. Bell, telling me that I was supposed  
4 to be at work.

5 Q You told Mr. Stevens during that  
6 conversation, also, during that audio clip,  
7 that you had a copy of your schedule?

8           A        Yeah. That was a misstatement. I had  
9           seen a copy. He showed it to me on the  
10          computer. He didn't give me a copy in my hand.

11 Q And you told him your days off were  
12 Saturday and Sunday?

13 A That's what I told him, yes.

14 MR. BARTOLOMEO: I need a few moment break  
15 if that's okay.

16 (Recess taken.)

17 BY MR. BARTOLOMEO:

18 O Mr. Brooks, before -- excuse me.

19 Last time you were here you testified to a  
20 couple of different medications that you had  
21 been prescribed for sleeping.

22 When was the last time you took either of  
23 those medications?

24 A couple of weeks ago.

25 Q And was this the Bemerton or the

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1 Brooks

2 Q Is there anything you'd like to add with  
3 respect to any of those individuals?

4                   A       At this point, no.   No.

5 Q I believe at some point --

6 A Oh --

7 Q Go ahead, if you have something further to  
8 say, go ahead.

9           A     Well, I do know that when I first came  
10          into the organization, Dash Porter, he was my  
11          case manager. And I was very excited about  
12          being a part of The Doe Fund. I thought that  
13          it could be a career thing for me because it  
14          was something I wanted to get into. I wanted  
15          to get into helping people that came home from  
16          prison reestablish their lives. Because the  
17          transition to get back into work, to get back  
18          to stable living is really difficult for a  
19          prisoner. I know because I've been on that end  
20          of the road quite a few times.

After becoming, you know, starting to write and tell my stories through writing, I figured that that would be a very good asset to the organization, and I expressed that with Mr. Porter. And he thought so as well. He

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2           thought I could growth in the organization as  
3           well.

4                   But then, of course, after this situation,  
5 where I made the complaint, and it appeared to  
6 me that The Doe Fund wanted to attack the  
7 victim instead of the actual predator. It made  
8 me not want to be a part of the organization  
9 anymore.

10 Q I understand that. But I was asking  
11 specifically with respect to the people that  
12 are named, do you have anything else that you  
13 want to add, about them, about actions that  
14 they took, statements that they made, or  
15 anything else that's in connection with the  
16 claims of discrimination, harassment,  
17 retaliation, or the other allegations and  
18 causes of actions set forth in the complaint?

19 A I thought I was answering.

20 So at this point, no, there's nothing else  
21 I want to add.

22 Q Now, with respect to additional  
23 individuals, at some point you had -- or your  
24 attorney has communicated that there was a  
25 Julio, the Chelsea driver, Chelsea route

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Brooks

2 Q Okay. Isn't it true before you left the  
3 Gates Avenue facility, that you already  
4 arranged -- that you had already lined up the  
5 apartment at 630 Howard Avenue?

6 A Yes.

I was waiting to move in. They were doing some work on it.

9 MR. SEIDENFELD: This is going to be 21.

10 (Deposition Exhibit 21, Document Entitled  
11 "Client Acknowledgment of Responsibility Form,"  
12 marked for identification as of this date.)

13 Q Mr. Brooks, I've just handed you what's  
14 been marked as Plaintiff's Exhibit 21. I want  
15 you to just to look at document bearing Bates  
16 No. TD5 through 8.

17                   MR. BARTOLOMEO: I want to say, for the  
18 record, Plaintiff's Exhibit 20 is a document  
19 bearing Bates No. Brooks 251.

20 Q Back to Plaintiff's 21, Mr. Brooks, I just  
21 want you to look at the bottom of TDF5.

22 Is that your signature where it says  
23 "signature" next to your name?

24 A Yes, it is.

Q Okay. Have you seen this document before?

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Brooks

2 work, they would give me a late pass. But they  
3 never --

4 Q Anyone ever explained to you what the  
5 policy was, whether you've seen the late pass  
6 policy or not?

7 A I got explained the late pass policy when  
8 they took my overnight visits. And they said  
9 that that was because I was no longer a part of  
10 the program.

14 Q I'm going to introduce as Exhibit 24, the  
15 file you produced called "Late Night MW," which  
16 is shown as last modified 7/29/16. I'm going  
17 to play from one minute to 2 minutes and 42  
18 seconds.

19 (Tape Playing.)

20 Q Mr. Brooks, was that a record that you  
21 produced in this litigation?

22 A Yes, it was.

23 Q That was you speaking to Mr. Washington?

24 A Yes.

25 Q He was explaining to you the late pass

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1 Brooks

2 policy?

3 A Okay.

4 Q Is that a "yes"?

5                   A         Yes, he was.

6 Q And what he was explaining to you was  
7 consistent with what is on document -- which is  
8 on Plaintiff's 22, that if you're in the  
9 program -- if you look at the chart at the  
-0 bottom of the page.

If you're in the program 30 to 60 days,  
you get two late passes and no overnight  
passes; that's what it says there?

$$-4 \qquad \qquad A \qquad Mm-hmm.$$

Q And that's what Mr. Washington told you?

.6 A That's what he said.

-7                   MR. SEIDENFELD: I'm going to go off for a  
-8 minute. Off the record.

9 (Recess taken.)

Q All right. Mr. Brooks, the reason that you were asked to leave Gates Avenue was for a curfew violation?

23           Whether you agree with the decision or  
24        not, that's what you were told?

25 A Yes.

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Brooks

2 Q Are you aware of other people being asked  
3 to leave the facility because of curfew  
4 violations?

5 A No.

6 Q Is it possible that there were people who  
7 have been asked to leave because of curfew  
8 violations that you weren't aware of?

9 A I don't know.

10 Q You don't know the reason why everyone who  
11 was asked to leave Gates Avenue?

12           A       I don't know. I don't even know when  
13           people were asked to leave. I'm not in  
14           people's business like that.

15                   So if I see somebody one day, and I don't  
16               see them another, it's not -- it's not my  
17               business or like -- because I don't socialize  
18               with them.

19 You know what I mean?

20 So if I don't see somebody, it's just I  
21 don't see them.

22 Q Okay. So you don't -- other than  
23 yourself, you don't know the reasons why anyone  
24 was asked to leave the Gates Avenue facility?

25 A No.

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Brooks

2 Q I want to ask you a couple of questions  
3 about your claim for intentional infliction of  
4 emotional distress.

5                   Do you have any evidence that The Doe Fund  
6 directed Mr. Cooper to engage in the conduct  
7 that he did?

8 MR. SEIDENFELD: Objection.

9 Q You can answer.

0 A I don't know.

Q Any evidence that -- so, is that a "no"?

2 A I don't know.

Q Okay. Any evidence that it was part of  
Cooper's role as an employee at The Doe Fund to  
engage in the conduct that you allege?

.6 MR. BARTOLOMEO: Objection.

17 MS. O'CONNELL: Objection.

.8 A I don't know.

Q You, in your interrogatories, said a supervisor, Vernon, first name may be Bergis.

21 A Bergis?

Q You allege he retaliated against you?

23 A Yes.

Q What's the basis for your belief he retaliated against you?

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Brooks

2 A Well, he was giving me a hard time from  
3 day one. When I got on the Vernon route, he  
4 was trying to sneak up on me and catch me not  
5 working and take pictures of me. However, he  
6 kind of caught me working, but I observed him.  
7 And he was always making trouble for me. He  
8 was always coming and saying something crazy.

9                   So one particular day I remember it was  
10                  raining and I -- it was raining outside and I  
11                  went underneath something to get out of the  
12                  rain. And he came yelling at me talking about  
13                  why I was not working. I said, Yo, you see  
14                  that it's raining. And when it's raining, we  
15                  generally get out of the rain.

16                   And in all my other sites, that's what I  
17                   was taught that when it's raining, we get out  
18                   of the rain. And so he started yelling at me  
19                   and everything and told me to get back to work.

20 Q Anything else?

21 A I can't remember everything that he did.

22 But I know every time I worked with him, he  
23 created a problem between him and I. And I  
24 didn't understand why until I found out that he  
25 was actually right under Mr. Wiggins.

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2 Wiggins had trained him and everything  
3 like that. So then it started to make sense  
4 why he would target me and start messing with  
5 me.

6 Q So did you tell Mr. Bergis about what  
7 happened -- you allege happened between you and  
8 Mr. Cooper?

9                   A         No, I did not.

10 Q Did you witness anybody else tell him?

11 A No.

12 Q The only basis that you have to believe  
13 he's even aware of the complaint you made is  
14 based on your opinion?

15 MS. O'CONNELL: Objection.

16 O You can answer.

17 A I don't know.

18 Q So what's your basis?

I'm asking you that --

20 A I told you.

21 MS. O'CONNELL: Objection.

22           A       I told you I believe that, you know, that  
23           it was through Wiggins.

24 Q So you believe Wiggins told him?

25 Did you witness any conversation between

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1

2 C E R T I F I C A T E

3 STATE OF NEW YORK )

4 :ss

5 COUNTY OF NEW YORK )

6

7 I, MICHELLE COX, a Notary Public within  
8 and for the State of New York, do hereby  
9 certify:

10 That GREGORY BROOKS, the witness whose  
11 deposition is hereinbefore set forth, was duly  
12 sworn by me and that such deposition is a true  
13 record of the testimony given by the witness.

14 I further certify that I am not related to  
15 any of the parties to this action by blood or  
16 marriage, and that I am in no way interested in  
17 the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand this 27th day of June 2018.

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21 \_\_\_\_\_  
22 MICHELLE COX, CLR  
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